

OF THE

SENATE

OF THE

STATE OF ALABAMA,

BEGUN AND HELD AT THE TOWN OF CAHAWBA, ON THE THIRD MONDAY IN
NOVEMBER 1822.

IN THE FOURTH ANNUAL SESSION

OF THE

OF SAID STATE.

CAHAWBA:

JOHN B. ALLEN, AND CO.

1823.

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JOURNAL

OF THE

SENATE.

On the eighteenth day of November, in the year of Our Lord one thousand eight hundred and twenty two, being the day fixed by law for the meeting of the General Assembly, the following members of the Senate appeared and took their seats, to wit:

From the Senatorial district composed of the counties of

Mobile, Baldwin and Washington: ——— ———

- Conecuh, Covington, Pike & Henry; *John W. Devereux.*
 - Monroe; *John Murphy.*
 - Dallas; *Thomas Casey.*
 - Wilcox and Clarke; *Neal Smith.*
 - Marengo and Greene; *John Coats.*
 - Perry and Autauga; *Dunklin Sullivan.*
 - Bibb and Shelby; *Jack Shackelford.*
 - St. Clair and Blount, *David Conner.*
 - Jefferson; *John Wood.*
 - Tuskaloosa and Pickens, *Levin Powell.*
 - Marion and Franklin; *William Metcalf.*
 - *Arthur F. Hopkins.*
 - *D. Crabb.*
 - *Robert M'Camy.*
 - *Davis.*
 - *Vay.*
 - *John D. Bibb.*
- Mr. *Vay* was called to the chair.
- Mr. *Lyon* was appointed Secretary

received the credentials and other

that the Senate do now proceed
 whereupon, the election being
 Nicholas Davis was unanimously
 returned his acknowledgments
 thereof.

the Senate do now proceed to
 on having been constitution-
 S. Lyon was unanimously e-

that the Senate do now proceed
 and the election being con-
 Thomason was duly e-

Senate do now proceed
 action being conducted,
 as unanimously elected.

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On motion of Mr. Murphy, *Resolved*, That the members of the Senate do now proceed to take the oath prescribed by the Constitution; and also by an act supplementary to an act, entitled "An Act to suppress duelling;" which said oaths were administered to Mr. President and all the members present.

The clerks were also qualified by taking the oaths prescribed by law. On motion the Senate adjourned till to-morrow morning 10 o'clock.

Tuesday, November 19, 1822.

The Senate met pursuant to adjournment.

On motion of Mr. Bibb, the following resolution was adopted, to wit: *Resolved*, that a message be sent to the House of Representatives, informing them that the Senate has convened, and elected Mr. Nicholas Davis, president thereof, Francis S. Lyon, secretary, and Matthew D. Thomason, door keeper, and are ready to proceed to business.

On motion of Mr. McVay, the following resolution was adopted to wit: *Resolved*, that the rules of order and decorum which governed the senate at their last session be the rules and orders of proceeding, to be observed by this body, until a revision or alteration of the same shall be made.

On motion of Mr. Moore, the following resolution was adopted, to wit:

Resolved. That a committee be appointed to prepare and draft rules of order and decorum for the government of the Senate—Messrs. M. Murphy and Smith were appointed said committee.

On motion of Mr. McVay, the following resolution was adopted:

Resolved, that the following standing committees be appointed to wit:

A committee of accounts;

A committee of privileges and elections;

A committee of claims;

A committee of propositions and amendments;

A joint committee on enrolled bills;

A committee on inland navigation;

A judiciary committee;

A military committee;

A committee on roads, bridges and ferries;

A committee on county boundaries;

A committee on schools and academies;

A message from the House of Representatives, by Messrs. and Leake, members thereof.

Mr. President and Gentleman, the Senate have received a message from the House of Representatives to which the Senate have adopted the following resolution:

Resolved, that a message be sent to the House of Representatives, informing them that the Senate have received a message from the House of Representatives to which the Senate have adopted the following resolution:

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Whereupon, Messrs. McVay and Moore were appointed a committee on the part of the Senate.

Ordered, that the House of Representatives be informed thereof.

Mr. Shackelford moved, that the Senate resolve itself into a committee of the whole on the subject of the contested election for senator of the District composed of the counties of Mobile, Baldwin and Washington; and on the question being put, Will the Senate resolve itself into a committee of the whole? It was resolved in the negative.

In pursuance of an order of the Senate, Mr. President appointed a committee on privileges and elections, to consist of Messrs. McVay, Devereux and Wood.

On motion of Mr. McVay, Ordered that Messrs. Murphy and Casey be added to said committee.

On motion of Mr. Shackelford, the following resolution was adopted:

Resolved, that the credentials of the members claiming a seat in the Senate from the counties of Mobile, Washington and Baldwin be referred to the committee on privileges and elections.

On motion of Mr. Wood, Ordered, that Messrs. Hopkins and Moore be added to the committee on privileges and elections.

On motion of Mr. Shackelford, Resolved, that the committee on Privileges and Elections have leave to sit during the session of the Senate.

On motion of Mr. Casey, Resolved, that the credentials of the members of this House be referred to the committee on Privileges and elec.

At this time the Senate adjourned 'till 3 o'clock, P. M.

3 o'clock, P. M.

The Senate met pursuant to adjournment.

From the House of Representatives by Messrs. Morton and [unclear] thereof.

and Gentlemen of the Senate—I am instructed by the Representatives to inform your honorable body, that they have passed a resolution appointing a joint committee to wait on His Excellency, and inform him, that the two Houses are now organized and ready to receive his Excellency; he may please to make; and have on [unclear] and Davis.

Representatives by Messrs. Leake and [unclear]

On the part of the Senate, I am instructed by the [unclear] your Honorable body, that they have passed a resolution: Resolved, that a committee of [unclear] part of this House to act with such [unclear] the Senate, to superintend the proceedings of the Legislature, during the present session. They have appointed on [unclear] Shaw.

On the part of the House, I am instructed by the [unclear] concur in said resolution; and [unclear] the affirmative: whereupon [unclear] appointed a committee on [unclear]

At this time the Senate adjourned 'till 9 o'clock, P. M.

The Senate met pursuant to adjournment.

On motion of Mr. Bibb, Resolved, that a committee of revision and of the unfinished business of last session be appointed.

On motion of Mr. Bibb, Resolved, that a committee of Divorce and Alimony be appointed.

On motion of Mr. Powell, the following resolution was adopted: Resolved, that with the concurrence of the House of Representatives, a joint committee of the two Houses be appointed to draw up and report a more correct system of law for the government of Justices of the Peace and Constables: Whereupon, Messrs. Powell, Murphy and Hopkins were appointed a committee on the part of the Senate.

Ordered, That the Secretary inform the House of Representatives thereof.

On motion of Mr. Sullivan. Resolved, that the Judiciary Committee be instructed to inquire into the expediency of prohibiting by law, the circuit and county courts of Dallas county, being held in the State House.

On motion the Senate adjourned, 'till 11 o'clock A. M.

11 o'clock, A. M.

The Senate met pursuant to adjournment.

Mr. McVay, from the Committee on Privileges and Elections, to whom was referred the credentials of the members claiming a seat in the late, from the district composed of the counties of Mobile, Baldwin and Washington, made the following report:

[illegible]

ly; the correct construction of the law must afford him the means of avoiding such a failure, and to discharge the obligation which it has created on him; the possession, therefore, by the sheriff of the authority to administer the oaths to the managers, appears to be incidental to the power expressly vested in him, of holding the elections, and necessary to enable him to hold them in the manner directed by law, and to avoid the penalty to which he would be liable, if he were to permit the elections to be holden without the managers having previously taken the oaths. An election in which the omission to administer the oaths to the managers occurs in one holden in a different manner from that directed by law; and the consequence of an election illegally conducted in this respect, is not left to inference, but is expressly declared by the law, and is confined to the sheriff only, who in such an event is liable to a fine of the sum of one thousand dollars: the validity of the election, it is conceived, is not affected by such a neglect of duty in the sheriff. The sheriffs of Baldwin and Mobile counties are required to make returns for their respective counties, of the election for senator, to the sheriff of the county of Washington, within ten days after the election, and the neglect or refusal of a sheriff to make the return of the election within the time limited for his performance of this duty, subjects him to a penalty, which is the only consequence that the law has declared shall result from it; the failure therefore of a sheriff to make the returns of an election within the appointed time, seems to be of the same character of the omission to administer oaths to the managers, which creates a liability on the sheriff to a fine, but does not destroy the validity of the election; for the sheriff of Washington county to have legally held his office, after the first Monday in April last, was requisite for him to have given on or before that day a bond, with such security by the county court of the said county approved by the court, to execute by that time the bond, vacated his office, and the vacancy which his neglect produced, devolved upon the Governor; until the first Monday in April last, the sheriff of Washington county was legally the sheriff, without the execution of the bond; and before that day to give it: and if after that time, he was not the sheriff, and exercise the duties of it, as it is conceived, the sheriff in fact, and his acts it is conceived, were those of a successor to him in the office; the evidence in this respect, that a commission to a successor was required, before he could exercise the duties of the office, is not requisite, that a commission to a successor was required, before he could exercise the duties of the office; until after the first Monday in April last, the sheriff of Washington county, was the sheriff, who had the greatest authority to have delivered a certificate of the election of the sheriff of the county of Washington, to the secretary of the General Assembly, in this respect, because the law and he was not the sheriff, to the secretary of the General Assembly. On the nineteenth of August last, the sheriffs of Baldwin and Mobile counties, and subsequent sheriffs of the counties of Mo-

bile and Baldwin; he gave to Mr. Francis W. Armstrong, a certificate stating the number of votes given to each of the contesting parties in the district aforesaid, from which last named certificate, it appears that Mr. Armstrong had a majority of twenty-eight ballots in the said district.

They therefore recommend the adoption of the following resolution:

Resolved, That from the documents and papers referred to this committee, and on a full investigation of the same, they are of opinion, that Francis W. Armstrong is entitled to a seat as senator from the district composed of the counties of Washington, Baldwin and Mobile.

(Signed) H. McVay, *Chairman*.

On motion of Mr. Casey, *Resolved*, that Doct. George Buchanan have leave to be heard at the bar of this House, in support of his claim to a seat in the Senate.

On motion of Mr. McVay, *Resolved*, that Francis W. Armstrong have leave to be heard at the bar of this House, in support of his claim to a seat in the Senate.

Mr. Smith offered the following resolution: *Resolved*, that Doct. George Buchanan and F. W. Armstrong of the district of Mobile, Baldwin and Washington, have leave to employ counsel, with leave to come within the bar of this House, and time to prepare any defence they may think proper to make, until to-morrow 10 o'clock.

Mr. Moore moved to strike out all of said resolution after the word *Resolved*; and on the question being put, it was resolved in the affirmative.

Mr. Moore then moved, to insert in lieu thereof the following: "Doct. George Buchanan and F. W. Armstrong from the senatorial district, composed of the counties of Washington, Baldwin and Mobile, have until to-morrow 10 o'clock, to prepare any defence they may think proper to make before this house."

And on the question being put it was resolved in the affirmative.

On motion the Senate adjourned 'till 3 o'clock P. M.

The Senate met pursuant to adjournment.

Mr. McVay, from the committee appointed on the 10th inst. to wait on His Excellency the Governor, and inform him that the Houses of the General Assembly are organized, and that in communication he might please to make, reported that they had performed the duty assigned them, and that they had informed His Excellency, that he would make a communication to the Houses, this day at the hour of three o'clock.

A communication in writing was received from the Governor, by James J. Pleasants, Esq. and is as follows, to wit:

EXCELLENCY,

Gentlemen of the Senate,
And of the House of Representatives,

The transition of a government from one form, is justly considered as one of the most important of this character is the first General Assembly of the State, the first representation provided for by the Constitution, and this vital point which

in the duties of legislation, no longer exists, to distract our councils; and your present body is greeted by the general sentiment, as the legitimate depository of the legislative power of the State. In entering upon the discharge of this trust, the importance of which is enhanced by so many considerations of duty and interest, you cannot fail to be inspired by that disinterested patriotism which is the surest guarantee of useful public service.

The task before you, will embrace many matters affecting not only the present condition, but in a material degree the future destiny of this youthful commonwealth. While this consideration will necessarily excite your solicitude, much cause of felicitation will be found in the advancing growth, and prosperity of our infant community. If some portion of our population have experienced the afflictive visitations of providence; these are believed to be mainly attributable to causes either temporary or local. Our former experience, and the climate and general surface of our country, furnish a reasonable promise of permanent future healthfulness. Our farms have, with few exceptions, given ample rewards to our industry: and if our staple products have suffered some depression in the markets; an obvious remedy will be found in that economy which will occasion a corresponding retrenchment of foreign expenditure; especially for such materials as may be furnished by domestic industry:—contributing in the end to render our community more substantially independent.

In financial concerns, some improvement has been experienced the year by the operation of the measures adopted at the last session. The warrants on the Treasury which had been to a large amount in circulation, and much depreciated have been nearly all discharged and the full paper on the Treasury is in full credit.

The ten thousand dollars due to the Bank at Huntsville, has in accordance with the law on that subject, been paid, with the exception of about three hundred and fifty dollars; the final disbursement now awaits a liquidation of interest, and of the credits due to the Bank, on the stock of the institution. This matter and the affairs of the Treasury is concerned will be presented to you by the proper officer.

The Treasury is authorized to be issued to the amount of thirty thousand dollars, of which \$8137,25 have been prepared, of the Treasurer ready for issuing. A loan from one of the specie payers, of ten thousand dollars, and another subsequent loan, or so much as might be required, in making such arrangements with the currency of the Treasury notes, of four thousand five hundred dollars, or giving credit to any amount, was obtained from the Treasury, whereby the whole sum was a fund for redeeming the notes, and with the understanding that they be as freely as their value, the Treasury Notes, in January next. The provision necessary

ry will be for the payment of interest. This comparatively small sum on deposit, when it was known that there was power to enlarge it, has materially aided the credit of these notes in their first circulation: and it is submitted to your wisdom to determine whether a renewal or extension of the loan might be expedient.

It is computed from the best means of estimation in our possession, that the receipts into the Treasury, will, at least be equal to the authorized expenditures: and that no increase of the amount of taxation will be requisite: unless new objects of expenditure to a considerable amount be created. Altho' some improvements might be made, of great public advantage, and such as I have the gratifying hope to see realized at a period not remote, yet as our State is just emerging from financial embarrassment, and without the advantage of a matured system of revenue, it may be questioned whether any expensive objects be now advisable, unless their demand be urgent, or their utility obvious.

It will become your duty to make provision by law for the election of Representatives to Congress, according to the late act of apportionment. By that act two representatives were allotted to this State, with a proviso that in consequence of the former returns of our census being incomplete, three instead of two should be allowed to the State, on the event, that it should be made appear to Congress at their next session, that the census of the state entitled it to that addition. It is now fully ascertained, that the State is entitled to three representatives proposed. And this fact will be made appear to Congress by the Marshal's return of the census of several counties taken in due time, but not sent previously. No doubt or difficulty can exist in legislating on the subject.

The term of service of one of our Senators in Congress will expire on the third day of March next. It will therefore be necessary to elect a Senator to serve from that period, the succeeding term.

The devising of a judicious plan for a State-Bank, will necessarily occupy a necessary part of your attention:—a subject of equal importance. So essential indeed do I consider the plan of such an institution, that on this mainly will depend the expediency. This is to determine whether it may be expedient or not.

A State Bank established conformably to the principles—wisely and honestly conducted—will have a tendency in furnishing a medium, which will be of great service, and afford facilities for useful and laudable private enterprize: While it will be a means of remedying the evils in the present system of circulation, consolidation, and more enlarged commerce.

Among the mass of experiments, it is more than to imitate. The disastrous results of the late shows under what illusions the people have been led on this subject. We have witnessed the increase of circulation—by increasing the number of banks, and the abundance, by the consequent increase of the currency under new and more numerous banks, and the same common result, the same common result on the community.

In whatever light we view the history of the periods of their histo-

1st. The State should at all times have a material influence in the government of the corporation—and *that*, whatever may its interest in the capital. Although it has often occurred, that the policy of a banking company may coincide with the public interest, eminent exceptions to this have been too frequently witnessed; wherein the excessive issue and consequent depreciation of paper has been long continued as a source of inordinate profit.

will be, the connexion to be formed, in the adoption of the measure however dictates, that the committee should have a thorough and complete expose of the affairs of the bank at this point. This interest in the true situation of the bank has procured its books and papers, and whether after such a disclosure the bank convert-

4th. Late experience is full to show the necessity of power in the State, to correct with ease the violation of the charter, as well as to punish the officers and agents for abuses of their trusts.

5th. It is worthy of consideration, whether a restriction of the issue of paper to a proportion less than thrice the capital would not be expedient, at least for about the first six years of its business—within that time our land-debt, amounting within this State, to at least five millions of dollars will be called for by the general government. And should a want of prudence in our citizens postpone this payment to the latter part of the period, much pressure must be expected on the community; and great circumspection will be required to prevent its operation upon the Banks that shall furnish the medium of payment. Another question may also deserve your notice, whether the diminution of profit by this restriction might not be supplied by a small increase of the rate of ordinary banking interest on the renewal or extension of all loans beyond the first term of sixty or ninety days. This increase, with the greater safety and credit secured by the restricted issue of paper, would be ample amends for any supposed loss by reason of the restriction.

Feeling an impression of the great importance, as I have premised, of a correctly organized system for the only banking institution, the State has the power under the Constitution to establish, I have felt it my duty to suggest these few leading points, which I deemed material to the more especially as most of them had not been regarded in any plan for that institution, of which I have any knowledge. I am aware that after all that can be done in rendering a bank charter perfect, it at last depend for its successful operation on the actual existence of a competent disposable banking capital. This cannot be created by law. But in all events a correct system will prove safe.

Agreeably to the act of last session, entitled, "An act to regulate banking institutions in this state"—on ascertaining that Huntsville had not resumed specie payments for its charter specified in that act, I gave information of the fact to the judicial circuit, with instructions to proceed by writ of mandamus to that corporation, which writ was returned to the court of Madison county. I have associated Mr. Kelly, Esq. as assisting counsel in the proceeding.

The act establishing the present system, has its own limitation on the first of January next, to extend the act, or provide a substitute, it to have been an experiment. Commissioners of the state, you bring together to consider this system, and of the general system, will therefore be best able to determine.

The Digest authorized by the act, will be ready to be laid before you.

The law at present gives no authority to the county courts, which inconvenience has been felt from the county, and the urgent duties of the sheriff. This act must be amended. It is also worth

ciding contested elections of Sheriffs and other civil officers of popular appointment, and requiring commissions.

I lay before you the ordinances and minutes of the Board of Trustees of the University at their session held at Tuscaloosa at the time specified in the eighteenth section of the act of incorporation. A second session of the Board will be held on the first Monday of December next in this town, when their annual report may be expected. It may become necessary to make some legislative regulations in regard to the lands of the institution, and the investment of its funds. As, however most of these acts will require the concurrence of the Board, I defer making recommendation of any specific measures, until that body shall have convened.

Regarding the location of the institution, the board of Trustees agreeably to the tenth section of their charter will most probably submit their views to the legislature. In determining this material point it is the general expectation that the most disinterested and earnest regard to the prosperity of this favorite institution shall be the governing principle, and that no other distinct subject will be allowed to become entangled with it.— That some prejudices should be felt at the immediate points having pretensions as suitable sites, is naturally to be expected: beyond this, no sordid or illiberal views are believed to have any existence. Considering the acknowledged influence of a diffusion of learning, on the political and social state, the sooner such a selection can be satisfactorily made the better: the earlier of course will the present generation begin to enjoy its benefits in the edification of our youth and in the early developement of the natural and moral sources of our country.

The reservation of the seventy-two sections of land for the University is considered as nearly completed at the last session. Its completion was the issuing of the patents, was necessarily deferred for the return of the Surveyor General to the General Land Office and to the Executive Department here, showing the contents of numerous fractional sections. The return was returned as only *estimated*: Such return has been made within the month. Anticipating a deficiency in the quantity selected, from the fact that a sale of several quarter sections of the former selection was made in September, eighteen hundred and twenty-one, at Tuscaloosa, the Register not having been informed that the selection was completed, I submitted, provisionally, other tracts to be selected, which have proved to be sufficient to fill the complement. The selection may be considered as complete, and patents may very

soon be issued. The resolutions of the Legislatures of several of our sister States, in relation to the appropriation of a share of the national lands for the benefit of the common schools, to be distributed among the older states. The importance of the subject, and the important national principles involved, render it a proper subject, on which to express your views. The claim advanced by its advocates on behalf of the States, will be suffered to press its fortune in the hands of the legislature of the Union has already been made; but urged as it continues to be, it is not to be expected in its success, as a matter of right. The acts of munificence to the States, which were once national territory. The fact that they have been converted into an acquiescence in the

"The lands granted for a public seminary, and the sixteenth section in each township allowed for smaller schools are viewed as voluntary donations, without consideration, and imposing on Congress the duty, in justice to the older states not thus favored, to grant them, each, lands of equal value. The fallacy of this ground of claim will appear when it is considered, that the reservation of the school section in each township was a part of the general system, under which all the public lands were sold. It became a condition of the sale, and a consideration and inducement with purchasers in estimating the value; and, was no more than the sale of thirty-five lots, with a right of common in the thirty-sixth annexed. The reservation of a tract of two townships within a whole territory prior to the sale of greater part of the lands, is similar in principle: besides, the grant of these school lands is made one of the conditions in the several acts whereby the new states were admitted as members of the Union; in lieu of which other interests were conceded by these states, which would otherwise have been incident to them as rights of sovereignty: among these is the right of interfering in the disposal of the public lands, and the right of taxing those lands for five years after their sale. Without further remark, I refer the subject to your wisdom and judgment.

Much inconvenience and expense has been suffered, for want of safe prisons for the confinement of criminals in or convenient to the several counties. I submit, whether it might not be expedient to establish, at least, one secure jail in each judicial circuit.

The commissioners named in the act of the last session for holding elections for county officers in Pike and Covington counties having failed to hold those elections agreeably to the act, it will be necessary again to provide for organizing those counties.

The twenty lots advertised to be sold on the east side of the river within the limits of Cahawba, have been laid off and sold accordingly.

The records of this department will show the result of the sales, and also the operation of the act passed at last session for the regulation of purchasers of lots at the first sales in Cahawba.

The cases pending in the District Court of the United States against the importer of one hundred and eight African slaves, which were brought to the view of the Legislature at last session, have been decided against the claimants or importers; whereupon an appeal has been taken to the Supreme Court of the United States, where they are now pending. No disposition of the subject having been made at that court, I refer it for your consideration—whether measures are required to be taken, not only in regard to this State interest, but all similar cases in future.

The commissioners for laying off certain of the lands sold at the act of last session have made reports, which have been examined, and accounts thereof transmitted to the Judge of the Court of Appeals, for the purpose of causing them to be opened, and the proceeds to be distributed. They are reported to require aid from the State for the purpose of opening them. These are referred to your consideration.

The act of Congress of the last session, which appropriated one per cent. of the three per cent. fund allowed to the State for the sale of public lands to certain limitations, I have applied for the purpose of the application of that interest, and expect to receive it shortly.

Although our Militia law furnishes a sufficient number of men for the purpose of force, it is worthy of inquiry whether it is not necessary to increase the number of men for the purpose of force.

ment as to ensure more promptly the annual returns of the strength and condition of the militia. By these returns our quota of the annual appropriation of two hundred thousand dollars made by Congress for arming the whole body of the militia, is to be determined. An entire failure in making returns took place last year. The general orders issued in anticipation of this failure near the close of the year, requiring such returns to be made, have been but partially executed; and, the returns for the present year, are not yet received. Although means have been taken to ascertain and punish the officers in default; yet, delay will be unavoidable in a complicated system of return during periods of peace:—officers will be more frequently changing places, and will feel less sensibly the necessity of attention:—indeed it will be found impracticable to keep up the perfect discipline of a military body among our free citizens in times of peace and pleasure. The main purpose to be answered in such times, is to ensure prompt and correct returns, and to keep the organization so complete as to afford the greatest facility for meeting requisitions, when urgency and danger require. Compensation under the existing plan has not proved sufficient to ensure promptness in making returns: Majors of Brigade and Adjutants of Division are specially chargeable with this duty, and are each entitled to five dollars per day when on service. I submit whether this charge on the Treasury may not well be dispensed with, by leaving these offices to be honorary, and by transferring their duties as respects returns to the commanders of regiments, to be made directly to the adjutant general; or by assigning to the latter officer the duty of attending in each regiment, and taking re-

turns. The following vacancies have been filled in the recess of the Legislature, and the appointments which appointments will expire at the end of the session: John Hart has been appointed Judge of Marengo County Court in lieu of John Forzine, resigned; John Brown (Red) in lieu of Thomas W. [?], resigned; Nathan Sargent, Judge of Dallas County Court in lieu of [?], resigned; Harry Toulmin, Judge of Washington County Court in lieu of Francis H. Gaines, resigned; Josiah D. Lister, Judge of [?] Court, in lieu of Harry Toulmin, resigned; John M. Chapman, Judge of Covington County Court in lieu of J. R. Mobly resigned; [?] Judge of Conecuh County Court in lieu of Samuel Burnett, [?], deceased; Polydore Naylor, Judge of St. Clair County Court in lieu of [?], deceased; [?] in that office by his own previous resignation; and, [?] of the first judicial circuit, in lieu of Eldridge S.

In connection with such matters touching the concerns of the present moment, it is proper to add, that in the midst of our infant member of our happy Union, and in the midst of our continued cause of gratitude to that Union, we are reminded as men and as a nation, and which are the principles of our government; principles, which were denounced by the [?] have extended their regeneration in the southern part of our [?] themselves into the sentiments of

In conclusion, much will depend on that

harmony and full confidence which shall prevail among us. There is no cause connected with our duties that forbids it. Every consideration of good feeling invites it; and so far as shall depend on the Executive Department, nothing shall be wanting which the most earnest good wishes can contribute toward the object. And may our joint endeavors for the general good be attended with success.

I have the honor to be your most obedient,

ISRAEL PICKENS.

Ordered, that the said message lie on the table.

On motion of Mr. Murphy. Ordered, that two hundred copies of the Governor's message be printed for the use of the senate.

On motion, the Senate adjourned 'till to-morrow morning 9 o'clock.

Thursday, Nov. 21, 1822.

The Senate met pursuant to adjournment.

Mr. Crabb presented the petition of Sarah Ann Newman, praying that the bonds of matrimony existing between her and Francis Newman, may be dissolved; which was on motion, referred to the committee on divorce and alimony. Mr. Moore presented the petition of Rosanna Lambkin, administratrix, and Elijah Hogan, administrator, of William Lambkin, deceased, praying the passage of a law authorizing them to transfer a certain quarter section of land; which was, on motion, referred to a select committee: Whereupon, Messrs. Moore, McCamy, and Bibb, were appointed said committee.

Mr. Powell presented the petition of Augustus Baudry, praying the passage of a law, authorizing him to emancipate a certain slave therein named; which was read.

On motion, Ordered, that said petition be referred to a select committee: whereupon, Messrs. Powell, Shackelford, and Metcalf, were appointed said committee.

Mr. Devereux presented the petition of Seabourne J. Whipple, tax collector of Conecuh county, praying &c. which was read, on motion referred to a select committee: whereupon, Messrs. Devereux, Moore, and Sullivan, were appointed said committee.

Message from the House of Representatives by Mr. Ralston, speaker thereof.

Mr. President and Gentlemen of the Senate:

I am instructed by the House of Representatives to inform your honorable body, that they concur in the resolution of your honorable body, appointing a joint committee of the two Houses, to devise a more correct system of law for the government of Justices of the Peace and Constables; and have appointed on their part, Messrs. Conner, Over and Fitzpatrick.

Mr. McVay presented the petition of Samuel McVay, praying the passage of a law authorizing him to emancipate a certain slave therein named; which was read, and, on motion, referred to a select committee: whereupon Messrs. McVay, Murphy, and Bibb, were appointed said committee.

Mr. Conner presented the petition of John Conner, praying to be allowed pay for services rendered as a justice of the peace, counterfeiter; which was read: and on motion, referred to the committee on Propositions and Grievances.

Mr. McVay presented the petition of Samuel McVay, praying the passage of the time allowed him to con-

which was read; and on motion referred to a select committee: whereupon Messrs. M'Vay, Coats & Devereux, were appointed said committee.

Mr. Casey gave notice, that on to-morrow he should ask for leave to introduce a bill, to authorize John Chandler and Richard Conway to sell certain real estate.

On motion of Mr. Shackleford, *Resolved*, that Messrs. Murphy, Bibb, Casey, Hopkins and Smith, be appointed a committee on the part of this house, to lay out the state into three congressional districts; and that a message be sent to the house of representatives, requesting that house to appoint a committee to join the committee of this house, for that purpose: a message was sent accordingly.

On motion of Mr. Sullivan, *Resolved*, that Wm. B. Allen, printer, or any other person authorized by him, be permitted to take a seat within the bar of this house, to take minutes of the proceedings thereof, for publication.

On motion of Mr. Powell, *Resolved*, that the subject of the contested election for senator of the district composed of the counties of Mobile, Baldwin and Washington, be now taken up:

Mr. Conner moved, that the Senate concur in the report of the committee on privileges and elections, in relation to the contested election for senator of the district composed of the counties of Mobile, Baldwin and Washington.

Mr. Murphy moved, to strike out all of said report after the word *them* in the fifth line from the beginning to the word *district*, at the conclusion: and on the question being put, it was resolved in the negative.

The question was then put, 'Will the Senate concur in the report of the committee on privileges and elections, in relation to the contested election for senator of the district, composed of the counties of Mobile, Baldwin and Washington?' and decided in the affirmative. Yeas 15—Nays 3.

The yeas & nays being desired, those who voted in the affirmative, are,

| | | | |
|----------|---------|--------|-------------|
| Conner | Hopkins | Moore | Shackleford |
| Crabb | M'Camy | Murphy | Smith |
| Devereux | M'Vay | Powell | Wood—15. |

Those who voted in the negative, are,

| | |
|---------|-------------|
| Metcalf | Sullivan—3. |
|---------|-------------|

Mr. Armstrong, a senator from the district composed of the counties of Baldwin and Washington, then appeared, was qualified, and took the oath.

On motion the Senate adjourned till 2 o'clock, P. M.

2 o'clock, P. M.

The Senate met pursuant to adjournment.
 Mr. Shackleford, *Resolved*, that the Door keeper be provided with a sufficient number of locks for the tables in this hall, and have them put on.

At the order of the Senate, Mr. President reported the following committees, to wit:

- Committee on *Amendments*, to consist of Messrs. Powell, M'Camy and Devereux;
- Committee on *Amendments*, to consist of Messrs. Crabb, Coats and Smith;
- Committee on *Amendments and Grievances*, to consist of Messrs. Bibb, Casey and Sullivan;
- Committee on *Amendments*, to consist of Messrs. Moore, Casey and Sullivan;
- Committee on *Amendments*, to consist of Messrs. Shackleford,

A Judiciary Committee, to consist of Messrs. Hopkins, Murphy & Bibb;
A Military Committee, to consist of Messrs. Armstrong, Wood & Crabb;
A committee on Roads, Bridges and Ferries, to consist of Messrs. Casey,
McVay and Coats;

A committee on County Boundaries, to consist of Messrs. Wood, Conner and Smith;

A committee on Schools and Colleges and School and College lands, to consist of Messrs. Murphy, Shackelford and Hopkins;

A committee on Divorce and Alimony, to consist of Messrs. Sullivan, Metcalf and Conner;

A committee on Revision and unfinished business of the last session, to consist of Messrs. Devereux, Powell and Moore.

On motion, the Senate adjourned till to-morrow morning at 10 o'clock.

Friday, November 22, 1822.

The Senate met pursuant to adjournment.

Mr. Sullivan presented the petition of John Boyce, praying &c. which was read; and on motion, referred to a select committee consisting of Messrs. Sullivan, McCamy and Metcalf.

Mr. Sullivan, from the committee on Divorce and Alimony, to whom was referred the petition of Sarah Ann Newman, reported that there was not sufficient evidence before the committee, to satisfy them of the correctness of the facts alleged in said petition; and therefore they reject the prayer of said petitioner.

On motion of Mr. Bibb, Ordered, that Messrs. Shackelford and Wood be added to the joint committee, appointed to lay out the State into Congressional Districts.

On motion of Mr. Hopkins, Ordered, that Mr. Moore be added to the committee.

On motion of Mr. Casey, Ordered, That Messrs. Devereux and Powell be added to said committee.

On motion of Mr. Conner, ordered, that Messrs. Metcalf and Conner be added to the committee on county boundaries.

On motion of Mr. Sullivan, Resolved, that the comptroller's accounts be required to lay before this House the amount of the Brevet Brigadier General, O. A. W. amount of any balance in addition to the half pay of the one of the United States, a transcript of the documents relative thereto.

On motion of Mr. Moore, resolved, that the President of the Senate, within the bar of this House, to R. B. Buckell, the President of the Senate, in order that he may report the proceedings of the Senate.

Agreeably to previous notice, Mr. Casey asked leave to introduce a bill, to be entitled 'an act to amend the will of N. L. Hayden, deceased, to read the first time.

Ordered, that said bill be made the order of the day for the next reading on to-morrow.

Mr. McVay gave notice, that on to-morrow he will introduce a bill to be entitled an act to amend the will of John Dixon, deceased, to sell and convey.

On motion of Mr. Conner, the Senate adjourned till to-morrow morning, at 10 o'clock, after sometime spent therein, the committee on the petition of the whole, on the Governor's message, and Mr. Casey reported,

had had His Excellency the Governor's Message and the subjects therein contained under consideration and beg leave to propose the adoption of the following resolutions:

Resolved, that so much of His Excellency the Governor's message as relates to the loan from the Tombeckbe bank at Stephens, be referred to a select committee; whereupon Messrs. Sullivan, Casey and Wood, were appointed said committee.

Resolved, that so much of His Excellency the Governor's message as relates to our representation, by the late apportionment of the Congress of the United States, at their last session, be referred to the committee appointed on that subject.

Resolved, that so much of the Governor's message as relates to a State Bank, be referred to a select committee: Messrs. Moore, Murphy and Powell were appointed said committee.

Resolved, that so much of the Governor's message as relates to the writ of *Quo warranto* against the Huntsville Bank, be referred to the judiciary committee.

Resolved, that so much of the Governor's message as relates to the county courts, be referred to the committee on the judiciary.

Resolved, that so much of the Governor's message, as relates to the decision of contested elections of sheriffs and other officers, be referred to the judiciary committee.

Resolved, that so much of the Governor's message as relates to the Seminary lands, and the trustees thereof, be referred to the committee on schools and colleges and school and college lands.

Resolved, That so much of the Governor's message as relates to the appropriations of the Legislatures of several of our sister states, respecting the appropriation of a share of the national lands, for the purpose of education, be referred to a committee of _____ members, to act jointly with such committee as may be appointed on the part of the House of Representatives.

Resolved, that so much of the Governor's message as relates to safe _____ in each judicial circuit, be referred to the committee on the judiciary.

Resolved, that so much of the Governor's message as relates to the _____ of Pike and Covington counties, be referred to the committee on the judiciary.

Resolved, that so much of Governor's message as relates to the cases _____ in the district court, and which by appeal have been carried to the supreme court of the United States, against the importers _____ and eight African slaves, be referred to the judiciary committee.

Resolved, that so much of the Governor's message, as relates to _____ laid off in conformity with an act of the last Legislature, be referred to the committee on roads, bridges and ferries.

Resolved, that so much of the Governor's message as relates to the _____ of the General Government to this State, be referred to a select committee: Messrs. Murphy, Hopkins, and M'Vay were appointed said committee.

Resolved, that so much of the Governor's message as relates to Military _____ be referred to the military committee.

The foregoing resolutions were severally read and adopted.

The House adjourned till 3 o'clock, P. M.

3 o'clock, P. M.

The senate met pursuant to adjournment.

Mr. President laid before the senate a communication from H. Toulmin, esq. upon the subject of digesting the laws of this state; which was read, and on motion, ordered to lie on the table.

Mr. Bibb offered the following the following resolution:

Resolved, that with the concurrence of the House of Representatives, the Legislature will on Monday next, at the hour of eleven o'clock, proceed to the election of a Senator to the Congress of the United States, whose term of service shall commence on the fourth day of March next.

On motion of Mr. Sullivan, Ordered, that said resolution lie on the table.

On motion the Senate adjourned till to-morrow morning 10 o'clock.

Saturday, November 23.

The Senate met pursuant to adjournment.

Mr. Crabb presented the petition of sundry inhabitants of Blount county, praying the passage of a law authorizing _____ and his associates, to lay out and establish a turnpike road; which was read, and on motion was referred to a select committee; Messrs. Crabb, Coats, and M^r Vay, were appointed said committee.

Mr. Moore from the committee appointed to draft rules of order and decorum for the government of the Senate, made a report; which was received by the Senate.

On motion of Mr. Moore, the Senate resolved itself into a committee of the whole on said report, Mr. Moore in the chair; and after some time spent in the consideration thereof, the committee rose, Mr. President resumed the chair, and Mr. Moore reported, that the committee of the whole had had said report under consideration, and beg leave to propose the adoption of the following rules of order and decorum for the government of the Senate.

Rule 1. The President shall take the chair precisely at the hour to which the Senate have adjourned the preceding day; and on the appearance of a quorum, shall call the Senate to order; and cause the journals of the preceding day to be read.

2. The President shall preserve order and decorum, may speak in order in preference to other members, and shall decide questions of order subject to an appeal to the Senate, he may rise to put a question, or state it sitting.

3. Every member speaking in debate, shall first rise from his seat and addressed, respectfully address himself to Mr. President, confine himself to the question, avoiding personalities, and shall not call any member by name, but refer to him by the county of his residence, or the gentleman last, &c.

4. When two or more members rise at the same time the President shall name the person entitled to the floor; but in all cases, the member named shall speak first.

5. No member shall speak more than twice to the same question, nor leave of the Senate, nor more than once until every member who wishes shall have spoken, unless permitted to explain.

6. When a motion shall be made and seconded, if desired by the President or any member, delivered to the President by the President before the same shall be debated.

7. After a question is stated by the President, it shall be the business of the Senate; but may be withdrawn by leave of the President before decision or amendment.

8. If a question is under debate no motion shall be received, but to adjourn, to postpone to a day certain, to lie on the table, for the previous question, to commit or amend, or to postpone indefinitely; which several motions shall have precedence in the order in which they stand arranged.

9. No motion shall be determined on the day it is introduced, if one third of the members request that it be deferred to the next day.

10. A motion to adjourn shall always be in order, and shall be decided without debate.

11. A motion for commitment, until it is decided, shall preclude all amendments of the main question.

12. The previous question until it is decided, shall preclude amendment and debate on the main question, and shall be in this form, Shall the main question be now put?

13. Every senator who shall be present when a question is put, shall vote, unless the Senate for special reasons excuse him, but no senator shall vote on any question, unless he be within the bar of the House, when the same is put.

14. When the President is putting a question, no member shall walk out of, or across the house; nor when a member is speaking, enter into private discourse, or pass between him and the chair.

15. A member when called to order, shall immediately take his seat, and the Senate if appealed to shall decide the case, but without debate. If there be no appeal, the decision of the chair shall be conclusive.

16. After the Journals are read on each day, petitions shall be called for by the President, next reports of Standing Committees; and lastly the reports of Special Committees; but the committee on enrolled bills may report at any time during the session of the Senate, if not precluded by some privileged motion.

17. Every bill shall be introduced by motion for leave, or by order of the Senate, which bill may on its second reading be committed to a standing committee, a special committee, or a committee of the whole house, but commitment to one shall not preclude commitment to either of the others.

18. No bill shall be amended or committed until it shall have been twice read.

19. In forming a committee of the whole, the President shall leave the chair naming some person as chairman to preside.

20. All questions whether in the Senate or in committee of the whole, shall be put in the order they were moved; except in cases of amendment, and except that in filling up blanks, the largest sum and the longest time shall be first.

21. A similar mode of proceeding shall be observed with bills, which have originated in and passed the House of Representatives, as with bills originated in the Senate.

22. The rules of the Senate shall be observed in committee of the whole, as they be applicable, except the rule limiting the times of speaking.

23. A motion that the committee rise shall always be in order, and shall be decided without debate.

24. No member shall absent himself from the Senate without leave of absence.

25. A bill committed to a committee of the whole house shall be first read by the President, or Secretary, and then read and debated by clauses; leaving the question to be last considered.

26. Amendments shall be entered on a separate piece of paper and so read by the chairman standing in his place; after the report the bill shall be put to debate and amendment before the question to engross be taken.

27. When the Senate adjourns no member shall move from his seat until the President has left the chair.

28. The President may appoint any other member to perform the duties of the Senate, provided said appointment shall not continue beyond an adjournment.

29. All ordinary committees shall consist of three members to be appointed by the President, unless otherwise directed by the Senate; and on motion, one or more members may be added to any committee.

30. All memorials and addresses shall be signed by the President, and all warrants and subpoenas issued by order of the Senate, shall be under his hand and seal, attested by the Secretary.

31. In case of disturbance or disorderly conduct in the lobby, the President or Chairman shall have power to order the same to be cleared.

32. A bill once rejected, another of the same substance shall not be introduced during the session.

33. When a motion has been once made and carried in the affirmative or negative, it shall be in order for any member of the majority to move for the reconsideration thereof on the same or succeeding day; provided, the paper be then in possession of the Senate.

34. Nothing shall be introduced by way of rider which is irrelevant to the matter contained in the main body of the bill before the Senate.

35. In all cases if there be an equal number of votes in the affirmative and in the negative, the question shall be lost.

36. The President of the Senate shall vote in all cases in which his vote would make a tie or be a casting vote: and when the Ayes and Nays are called, the President shall vote first.

37. No rule shall be rescinded or amended, or a new rule added to the rules of the Senate, without at least a day's notice of the intention to rescind, amend, or add a new rule.

All of which were severally read and adopted.

On motion of Mr. Shackelford, ordered, that fifty copies of the rules of order and decorum be printed for the use of the Senate.

A bill to be entitled 'an act to authorize John Chandler, administrator of N. L. Hayden, deceased, to sell certain real estate,' was read the second time.

On motion, ordered, that said bill be referred to the Judiciary committee.

Mr. Powell from the select committee, to whom was referred the petition of Augustus Baudry, reported a bill to be entitled 'an act to authorize Augustus Baudry to emancipate a certain slave therein named,' which was read the first time.

Ordered, that said bill be made the order of the day for a second reading on Monday next.

Agreeably to notice, Mr. M'Vay asked for and obtained leave to introduce a bill, to be entitled 'an act to authorize the administrator of John Dixon, to sell and transfer certain real estate;' which was read the first time. Ordered, that said bill be made the order of the day, for a second reading on Monday next.

On motion of Mr. Smith, Resolved, that the Judiciary committee be instructed to inquire into the expediency of framing some general law respecting the emancipation of slaves, and report by bill or otherwise.

Mr. M'Vay obtained leave to introduce a bill, to be entitled 'an act to change the name of, and legitimate a certain person therein named,' which was read the first time.

Ordered, that said bill be made the order of the day for a second reading on Monday next.

On motion the Senate adjourned till Monday 10 o'clock.

Monday, Nov. 22, 1841.

The Senate met pursuant to adjournment.

Mr. Wood presented the petition of sundry inhabitants

county; praying the establishment of a new county; which was read, and On motion referred to the committee on County Boundaries.

Mr. Moore presented the petition of sundry inhabitants of Madison county, upon the subject of schools in the sixteenth sections of each township; which was read; and

On motion referred to the committee on Schools and Colleges, and School and College lands.

Mr. Conner presented the petition of sundry inhabitants of Blount county, praying the passage of a law incorporating the town of Blountsville, in said county; which was read; and on motion, referred to the committee on Propositions and Grievances.

On motion of Mr. Conner, the following resolution was adopted:

Resolved, that the Judiciary committee be instructed to inquire into the expediency of providing by law, for filling vacancies happening in the office of sheriff, by reason of failure to hold elections at the proper time prescribed by the constitution or the law, and for filling vacancies of other offices happening for the like causes: with leave to report by bill or otherwise.

On motion of Mr. Powell, the following resolution was adopted:

Resolved, that the Secretary of State be required to furnish the Senate with a report, embracing a statement of all transactions under an act of the last session, entitled an act for the relief of purchasers of lots in the town of Cahawba.

Mr. Casey offered the following resolution: Resolved, that the Judiciary committee be instructed to inquire into the expediency of so amending the constitution of this state, so as to confine justices of the peace in civil cases, to their respective captain's beats, and to allow them a jury.

Mr. Wood moved to strike out all of said resolution after the words 'constitution of this state;' and on the question being put, it was resolved in the affirmative.

Mr. Wood then moved to insert in lieu thereof, the following: 'that all cases coming before justices of the peace shall be confined to be tried in the captain's beat where the defendant resides or where the debt was contracted;' and on the question being put, it was decided in the affirmative.

The question was then put on the adoption of the resolution as amended, and decided in the affirmative.

Mr. Casey offered the following resolution: Resolved that the Judiciary committee be instructed to inquire into the expediency of amending the law now in force, so as more effectually to prevent selling spiritous liquors to the Indians.

Mr. Armstrong moved to amend said resolution, by adding the words 'and to the Indians' after the word 'Indians;' and on the question being put it was decided in the affirmative.

The question was then put on the adoption of said resolution as amended, and decided in the affirmative.

A report was laid before the Senate a report of the Comptroller of public money, made in obedience to a resolution of the Senate, requiring to be laid before this house, the amount of money paid to Brevet Brigadier General Dale, and a transcript of the documents relative thereto; which was read, and on motion, referred to the Military committee.

Mr. Var introduced a resolution to repeal a resolution allowing to the Comptroller two hundred and fifty dollars in addition to his present

salary, passed at the last session of the General Assembly; which was read the first time. Ordered, that said resolution, be made the order of the day for a second reading on to-morrow.

Mr. Sullivan obtained leave to introduce a bill, to be entitled 'an act for the payment of the commissioners of Seminary lands in the county of Perry, in the years 1821 and 1822;' which was read the first time.

Ordered, that said bill be made the order of the day, for a second reading on to-morrow.

On motion of Mr. Bibb, Resolved that the Judiciary committee be instructed to inquire into the expediency of passing a law defining slavery, and for the better regulation of slaves and patrols, and report by bill or otherwise.

Mr. Crabb introduced a bill, to be entitled 'an act to authorize the administrator and administratrix of Robert Gillaspey, deceased, to sell certain lands therein named,' which was read the first time.

Ordered, that said bill be made the order of the day, for a second reading on Monday next.

A bill to be entitled 'an act to authorize Augustus Baudry to emancipate a certain slave therein named;' was read the second time.

Ordered, That said bill be engrossed and made the order of the day, for a third reading on Thursday next.

A bill to be entitled 'an act to authorize the administrator of John Dickson, deceased, to sell and convey certain real estate,' was read the second time.

On motion of Mr. Murphy, ordered, that said bill be committed to the Judiciary committee, to examine and report thereon.

A bill to be entitled 'an act to change the name of, and legitimate a certain person therein named,' was read the second time.

Ordered, that said bill be engrossed, and made the order of the day, for a third reading on to-morrow.

On motion of Mr. Shackelford, ordered, that Mr. Conner be added to the committee on Roads, Bridges, and Ferries.

Mr. Bibb introduced a bill, to be entitled 'an act limiting the powers of constables;' which was read the first time.

Ordered, that said bill be made the order of the day, for a second reading on to-morrow.

On motion of Mr. Smith, ordered, that Mr. Sullivan be added to the committee on the Judiciary.

On motion of Mr. Wood, ordered, that Mr. Powell be added to the committee on County Boundaries.

On motion of Mr. Bibb, ordered, that Mr. Moore be added to the committee on the Judiciary.

Mr. Sullivan introduced a bill, to be entitled 'an act supplementing an act to provide for assessing and collecting the taxes of this State, passed, December 17, 1821;' which was read the first time.

Ordered, that said bill be made the order of the day, for a second reading on to-morrow.

On motion of Mr. Murphy, ordered, that Mr. Casey be added to the committee on the Judiciary.

On motion of Mr. Casey, ordered, that Mr. Crabb be added to the committee.

On motion, the Senate adjourned till to-morrow morning 10 o'clock.

Tuesday, November, 26.

The Senate met pursuant to adjournment.

Mr. Metcalf presented the petition of sundry citizens of Pickens and Marion counties, praying the establishment of a new county; which was read; and, on motion referred to the committee on County Boundaries.

Mr. Murphy presented the petition of sundry inhabitants of Monroe county, praying that the route of a road, laid off by the commissioners appointed under an act of the last session of the Legislature may be changed; which was read, and on motion referred to the committee on County Boundaries.

Mr. Hopkins from the Judiciary committee, to whom was referred so much of the Governor's message as relates to the establishment of a safe prison in each judicial circuit, reported, that it is inexpedient, to enact a law, directing the establishment of a jail in each judicial circuit; which was concurred in.

Mr. Hopkins, from said committee, to whom was referred a resolution of the senate, requiring the Judiciary committee to inquire into the expediency of forming some general law respecting the emancipation of slaves, made the following report: '*Resolved*, that it is inexpedient to form any general law in relation to the emancipation of slaves;' which was concurred in.

Mr. Hopkins, from said committee, to whom was referred a resolution of the senate, instructing the Judiciary committee, to inquire into the expediency of so amending the constitution of this state, as that all civil causes coming before Justices of the Peace, shall be confined to be tried in the captain's beat where the defendant resides, or where the debt was contracted, made the following report: '*Resolved*, that it is inexpedient to amend the constitution of this state, that all civil cases coming before Justices of the Peace, shall be tried in the captain's beat, where the defendant resides, or where the debt was contracted.'

Mr. Casey moved that the senate disagree to said report; and on the question being put, it was decided in the negative—Yeas 5—Nays 14.

The yeas & nays being desired, those who voted in the affirmative, are,

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|---------------------------------------|----------|-------------|------------|
| Conner | Devereux | M'Vay | Metcalf—5. |
| Those who voted in the negative, are, | | | |
| Coats | M'Camy | Powell | Sullivan |
| Crabb | Moore | Shackleford | Wood—14. |
| Hopkins | Murphy | Smith | |

The question was then put on concurring in said report, and decided in the affirmative.

Mr. Armstrong, from the military committee to whom was referred the report of the Comptroller, in relation to the pay allowed Brevet Brigadier General Dale, and the documents relative thereto, made a report; which was received; and, On motion, ordered to lie on the table till to-morrow.

Mr. Hopkins, from the Judiciary committee, to whom was referred a bill to be entitled 'an act to authorize John Chandler, administrator of N. L. Hayden, deceased, to sell certain real estate,' reported the same without amendment. *Ordered*, that said bill be engrossed, and made the order of the day, for a third reading on to-morrow.

Mr. Hopkins from said committee, to whom was referred a bill, to be entitled 'an act to authorize the administrator of John Dickson, deceased, to sell and transfer certain real estate,' reported the same as amended; which was concurred in. *Ordered*, that said bill be engrossed, and made the order of the day for a third reading on to-morrow.

Mr. Hopkins from said committee to whom was referred so much of the Governor's message, as relates to the county court system, reported a bill, to be entitled 'an act to continue in force and amend an act entitled an act to repeal in part and amend an act entitled an act to regulate the proceedings in the courts of Law and Equity in this state, and for other purposes therein mentioned ;' which was read the first time.

Ordered, that said bill lie on the table.

On motion of Mr. Moore, *Ordered*, that twenty copies of said bill be printed for the use of the Senate.

Mr. Bibb, from the committee on Propositions and Grievances, to whom was referred the petition of Austin Hood and Arnold Thomason, made the following report : "The committee on Propositions and Grievances, to whom was referred the petition of Austin Hood and Arnold Thomason, have instructed me to report, that however disposed said committee may be, to remunerate for actual disbursements in the discharge of a voluntary duty, so meritorious on the part of the petitioners; yet, the facts stated have not been authenticated by that sort of evidence which said committee deems necessary in such cases : Therefore, resolved, that it is inexpedient to grant the prayer of said petitioners."

(Signed)

JOHN D. BIBB, Chairman.

On motion of Mr. Conner, ordered, that said report lie on the table.

Mr. Bibb, from said committee, to whom was referred the petition of sundry inhabitants of Blount county, praying the passage of a law incorporating Blountsville in said county, reported, that said committee have had the same under consideration, and that it is inexpedient at this time to grant the prayer of the petitioners; in which they ask the concurrence of the senate. Mr. Conner moved, that the senate disagree to said report; and, on the question being put, it was resolved in the negative.

The question was then put on concurring in said report, and decided in the affirmative.

Mr. M-Vay, from the select committee, to whom was referred the petition of John Byler, made a report; which was received: And,

On motion, ordered to lie on the table.

Mr. Moore, from the select committee, to whom was referred the petition of Rosanna Lambkin and Elijah Hogan, administratrix and administrator of William Lambkin, deceased, reported a bill, to be entitled 'an act to authorize Rosanna Lambkin, administratrix, and Elijah Hogan, administrator, of William Lambkin, deceased, to convey to Isaac J. Lambkin, a certain tract of land therein named ;' which was read the first time.

Ordered, that said bill be made the order of the day, for a second reading on to-morrow.

Mr. Armstrong obtained leave to introduce a bill, to be entitled 'an act to repeal in part an act supplementary to an act entitled an act to incorporate the city of Mobile ;' which was read the first time. *Ordered*, that said bill be made the order of the day for a second reading on to-morrow.

Mr. Bibb obtained leave to introduce a bill to be entitled 'an act to authorize the administrator and administratrix of Davis H. Mahew, deceased, to sell real estate ;' which was read the first time. *Ordered*, that said bill be made the order of the day for a second reading on to-morrow.

On motion of Mr. Casey, 'Resolved, that the joint committee appointed on the part of this house, to divide the state into three Congressional districts be discharged from the further consideration of that subject.'

On motion of Mr. Casey, 'Resolved, that His Excellency the

or, be requested to lay before this house, the returns of the late census, taken under a law of this state; also, the last census taken by order of the General Government."

On motion of Mr. M'Camy, the following resolution was adopted:

Resolved, that a committee be appointed to inquire into the expediency of altering and revising the Constitution, so as to have the General Assembly to meet but once in two years, except necessity require it, leaving it in the power of the Governor, to call them together, when he may deem it expedient, as heretofore; and report by resolution or otherwise."

Messrs. M'Camy, Murphy and Bibb were appointed said committee.

On motion of Mr. Moore, 'Resolved, that the judiciary committee be instructed to inquire into the expediency of passing a law to prevent sheriffs from serving any civil process returnable before a justice of the peace, and have leave to report by bill or otherwise.'

On motion of Mr. Moore, 'Resolved, that the judiciary committee be instructed, to inquire whether the continuance of the present county court system by the Legislature, will give the present judges of the county courts, under the constitution of this state, a right to retain their offices as such, without a new election.

On motion of Mr. Casey, 'Resolved, that the judiciary committee be instructed, to inquire into the expediency of allowing to justices courts a jury in certain cases.'

'A resolution to repeal a resolution allowing to the comptroller two hundred and fifty dollars, in addition to his present pay,' passed at the last session of the General Assembly, was read the second time.

Ordered, that said resolution be committed to a committee of the whole house, and made the order of the day for Thursday next.

A bill to be entitled 'an act for the payment of commissioners of seminary lands in the county of Perry, for the year 1821 and 1822,' was read the second time.

Ordered, that said bill be committed to the committee on schools and colleges and school and college lands, to examine and report thereon.

On motion of Mr. Shackelford, 'Resolved, that a committee be appointed to lay off the state into congressional districts: whereupon Messrs. Shackelford, Moore and Armstrong, were appointed said committee.'

A bill to be entitled 'an act supplementary to an act to provide for assessing and collecting the taxes of this state,' was read the second time.

Ordered, that said bill be referred to the committee on the judiciary, to examine and report thereon.

A bill to be entitled 'an act limiting the powers of constables,' was read the second time.

Mr. Smith moved, that the further consideration of said bill be indefinitely postponed.

And on the question, being put, it was decided in the affirmative;

Yeas 15

Nays 4.

The yeas & nays being desired, those who voted in the affirmative, are,

| | | | | |
|---------------|-------|----------|--------|-------------|
| Mr. President | Coats | Hopkins | Moore | Shackelford |
| Armstrong | Comer | M'Camy | Murphy | Smith |
| Casey | Crabb | Metcalfe | Powell | Sullivan—15 |

Those who voted in the negative, are,

| | | | |
|----------|----------|-------|--------|
| Mr. Bibb | Devereux | M'Vay | Wood—4 |
|----------|----------|-------|--------|

An engrossed bill, to be entitled 'an act to change the name of, and legitimate a certain person therein named,' was read the third time and passed.

Ordered, that the title of said bill be 'an act to change the name of, and legitimate a certain person therein named.'

On motion of Mr. Sullivan, 'Resolved, that the military committee be instructed to inquire into the expediency of altering the mode of holding company courts martial; and whether the law authorizes the captains of each company to hold courts martial, alone, without the subordinate officers of their respective companies associated with them; and if so, to remedy the defect, so as to have a full board of officers, with leave to report by bill or otherwise.'

Mr. Powell obtained leave to introduce a bill, to be entitled 'an act respecting jeofails;' which was read the first time.

Ordered, that said bill be made the order of the day, for a second reading on to-morrow.

Mr. Bibb obtained leave to introduce a bill to be entitled 'an act to alter the mode of general elections by the people;' which was read the first time.

Ordered, that said bill be made the order of the day, for a second reading on to-morrow.

Mr. Bibb obtained leave to introduce a bill to be entitled 'an act regulating sheriffs' sales;' which was read the first time.

Ordered, that said bill be made the order of the day, for a second reading on to-morrow.

On motion the senate adjourned till to-morrow morning, at 10 o'clock.

Wednesday, November 27.

The senate met pursuant to adjournment.

The following message was received from the House of Representatives, by Mr. Dodson, their clerk:

Mr. President and Gentlemen of the Senate:

I am instructed by the House of Representatives to inform your honourable body, that they have read a third time and passed, bills of the following titles, to wit:

An act for the relief of Henry Stokes and others; and,

An act, permanently to fix the seat of Justice for the county of Baldwin in which they desire your concurrence.

Mr. Shackelford presented the petition of Wm. Chesnut; which was

And on motion, referred to a select committee: Whereupon, Mr. Shackelford, Casey and Murphy, were appointed said committee.

Mr. M'Vay, from the committee of privileges and elections, made report, that the committee have examined the credentials and other evidence of election of the following members, and found them duly elected, to wit:

F. W. Armstrong, from the district composed of the counties of Baldwin, Baldwin and Washington;

John W. Devereux, from Conecub, Covington, Pike and Henry;

John Murphy, from Monroe;

Thomas Casey, from Dallas;

Neal Smith, from Wilcox and Clarke;

John Coats, from Marengo and Greene;

Dunklin Sullivan, from Perry and Autauga;

Jack Shackelford, from Bibb and Shelby;

David Conner, from St. Clair and Blount;

John Wood, from Jefferson;

Levin Powell, from Tuskaloosa and Pickens;

William Metcalf from Marion and Franklin;
 Arthur F. Hopkins, from Lawrence;
 Thomas D. Crabb, from Morgan;
 Robert M'Camy, from Jackson and Decatur;
 Nicholas Davis, from Limestone;
 David Moore, from Madison;
 Hugh M'Vay, from Lauderdale; and
 John D. Bibb, from Montgomery and Butler;
 Which was concurred in.

A communication in writing was received from His Excellency, by J. J. Pleasants, esq. secretary of State; which was read, and is as follows:

Executive Department, Nov. 27, 1822.

Gentlemen of the Senate,

In compliance with the resolution of the senate passed on yesterday, requesting to be furnished with the returns of the census, as taken under a law of the state, and, also, the census taken by order of the General Government, I have the honour, herewith to furnish you the documents embraced in your resolution.

ISRAEL PICKENS.

On motion, Ordered, that said communication with the accompanying documents, be referred to the committee appointed to lay off the state into Congressional Districts.

Mr. M'Vay, from the select committee, to whom was referred the petition of Samuel D. M'Mahan, reported a bill, to be entitled 'an act to authorize the emancipation of certain slaves therein mentioned; which was read the first time.

Ordered, that said bill be made the order of the day, for a second reading on to-morrow.

Mr. Crabb, from the select committee, to whom was referred the petition of sundry inhabitants of Blount county, reported a bill, to be entitled 'an act to establish a public road, from the house of John Gandie in Morgan county to Baltimore in Blount county; which was read the first time.

Ordered, that said bill be made the order of the day for a second reading on to-morrow.

Mr. Devereux, from the select committee, to whom was referred the petition of Seaborne J. Whatley, made a report; which was received, and ordered to lie on the table till to-morrow.

A bill from the House of Representatives, to be entitled 'an act for the relief of Henry Stokes and others,' and a bill to be entitled 'an act permanently to fix the seat of justice for the county of Blount;' were severally read the first time. Ordered, That said bills be made the order of the day, for a second reading on to-morrow.

Mr. Casey obtained leave to introduce a bill, to be entitled 'an act to exempt preachers of the gospel from the payment of ferriage in certain cases;' which was read the first time. Ordered, That said bill be made the order of the day, for a second reading on to-morrow.

A bill, to be entitled 'an act to authorize Rosanna Lambkin and Elijah Hogan to convey to Isaac Jackson a certain tract of land therein named;'

A bill to be entitled 'an act to repeal in part an act supplementary to an act entitled an act to incorporate the city of Mobile;' and,

A bill to be entitled 'an act to authorize the administrator and administratrix of Davis H. Mayhew, deceased, to sell real estate;' were severally

read the second time. *Ordered*, That said bills be engrossed, and made the order of the day for a third reading on to-morrow.

A bill to be entitled 'an act respecting Jeofails,' was read the second time. On motion, *ordered*, that said bill be committed to the committee on the Judiciary, to examine and report thereon.

A bill, to be entitled 'an act respecting sheriff's sales,' was read the second time. *Ordered*, That said bill be committed to the committee on the Judiciary, to examine and report thereon.

A bill to be entitled 'an act to alter the mode of voting in general elections by the people,' was read the second time.

On motion, *Ordered*, that said bill lie on the table.

An engrossed bill to be entitled 'an act to authorize the administrator of John Dickson, deceased, to sell and transfer certain real estate,' was read the third time and passed. *Ordered*, that the words 'engrossed bill to be entitled,' be stricken out of the caption of said bill.

An engrossed bill to be entitled 'an act to authorize John Chandler, administrator of N. L. Hayden, deceased, to sell real estate, was read the third time and passed.

Ordered, That the title of the said bill be 'an act to authorize John Chandler, administrator of N. L. Hayden, deceased, and Edward Conway, administrator of Joseph Withers, deceased, to sell real estate.'

Ordered, That the secretary notify the House of Representatives of the passage of said bills, and desire their concurrence.

The report of the military committee to whom was referred the report of the Comptroller, made in obedience to a call of the Senate, upon the subject of the pay allowed Brevet Brigadier General Dale, was taken up and concurred in.

The resolution reported by said committee, was then read the second time; and *Ordered*, to be engrossed, and made the order of the day for a third reading on to-morrow.

Mr. Armstrong obtained leave to introduce a bill, to be entitled 'an act to prevent immoral and disorderly conduct at places of religious worship,' which was read the first time.

Ordered, That said bill be made the order of the day for a second reading on to-morrow.

A message from the House of Representatives, by Mr. Hallett, member thereof: Mr. President and Gentlemen of the Senate, I am authorized by the House of Representatives to inform your honourable body that they have adopted the following resolution:

Resolved, That both branches of the General Assembly convene in the Hall of the House of Representatives, at three o'clock this afternoon, for the purpose of electing a Solicitor for the first judicial circuit of this state, and that this resolution be communicated to the Senate for their concurrence.

On motion of Mr. Shackelford, *Resolved* that the Comptroller of public accounts cause to be laid before this House, a consolidated return of the objects of taxation in this state for the year past, with a return of the amount derived from each object in each county.

On motion of Mr. Wood, *Resolved*, that the military committee be instructed to inquire into the expediency of furnishing all the commissioned officers of the militia of this state with the militia and patrol laws.

On motion of Mr. Bibb, *ordered*, that Messrs. Shackelford and Powell be added to the committee on propositions and grievances.

Mr. Casey obtained leave to introduce a bill, to be entitled 'an act relative to election precincts;' which was read the first time.

Ordered, That said bill be made the order of the day, for a second reading on to-morrow.

Mr. Moore moved that the Senate concur in the resolution of the House of Representatives, proposing to go into the election of a solicitor for the first judicial circuit this afternoon at three o'clock.

And on the question being put, it was resolved in the affirmative.

Ordered, That the secretary inform the House of Representatives thereof. On motion of Mr. Smith, ordered, that Mr. Bibb be added to the committee on roads, bridges and ferries.

On motion the Senate adjourned till 3 o'clock, P. M.

Three o'clock, P. M.

The Senate met pursuant to adjournment.

On motion of Mr. Crabb, Resolved, that the judiciary committee be instructed to inquire into the expediency of requiring sheriffs and constables to make all returns within the jurisdiction of justices of the peace, in civil cases, to some justice residing within the limits of the beat where the debt was contracted, or where the defendant may reside.

Mr. M'Vay offered the following resolution: Resolved, that the judiciary committee be instructed to inquire into the expediency of so altering or amending the constitution, that a senatorial term be two years and no longer. Mr. Powell moved to strike out the words 'two years,' in said resolution, and insert in lieu thereof, the words 'one year;' and on the question being put, it was resolved in the affirmative.

The question was then put on the adoption of said resolution as amended, and decided in the negative.

A message from the House of Representatives by Messrs. Morton and Winston: Mr. President and Gentlemen of the Senate, I am instructed by the House of Representatives to inform your honourable body, that they have adopted the following resolution:

Resolved that the Senate be informed, that the House of Representatives are now ready to go into the election of a solicitor of the first judicial circuit; and that they be invited to the Representative hall, for that purpose.

Whereupon the members of the Senate repaired to the Representative chamber; and after having taken their seats, the President arose and declared the object of the meeting, and both houses proceeded to the election of a solicitor of the first judicial circuit; Thomas Murray and Ptolemy T. Harris in nomination.

Those who voted for Mr. Murray, are,

| | | | | |
|---------------|-------------|--------------|-------------|------------|
| Mr. President | Shackleford | Durrett | Jackson | Riviere |
| Bibb | Mr. Speaker | Edmondson | Kennedy | Skinner |
| Casey | Adair | Fearn | Mead | Shortridge |
| Crabb | Abercrombie | Gayle | Merriwether | Sanders |
| Devereux | Adams | Harris of B. | Montgomery | Terrell |
| Hopkins | Browne | Hunter of C. | Morton | Wallace |
| M'Vay | Barclay | Hubbard | Martin | Winston |
| Metcalf | Clay, | Hallett | M'Clung | Weissinger |
| Murphy | Dulaney | Jones | Pope | Young—49. |

Those who voted for Mr. Harris, are,

| | | | | |
|-----------|---------|--------------|------------|-------------|
| Mr. Coats | Wood | Ford | Harvey | Taylor |
| Conner | Bailey | Harris of W. | Leake | Thompson |
| Moore | Coleman | Hunter of T. | Norwood | Williams—27 |
| Powell | Davis | Hunt | Oliver | |
| Smith | Fitz | Hardwicke | Rutherford | |
| Sullivan | Farrar | Hill | Rather | |

Mr. Murray having a majority, Mr. Speaker declared him duly elected Solicitor of the first Judicial circuit. The election having been gone through, the senate withdrew and retired to their own chamber, and Mr. President resumed the chair.

On motion the senate adjourned till to-morrow morning at 10 o'clock.
Thursday, Nov. 28, 1822.

The Senate met pursuant to adjournment.

Mr. Casey presented the petition of A. Pierce, praying the benefit of a law for the relief of purchasers of lots in the town of Cahawba; which was read: and, on motion, referred to the committee on Propositions and Grievances.

Mr. Moore presented the petition of Mary White of Madison county, praying the passage of a law authorizing her to transfer to Samuel Bigbam a certain tract of land; which was read: and, on motion referred to a select committee: Whereupon, Messrs. Moore, Wood and Crabb were appointed said committee.

Message from the House of Representatives by Mr. Dodson, their clerk.
Mr. President and Gentlemen of the Senate.

I am instructed by the House of Representatives to inform your honorable body, that they have read a third time and passed bills of the following titles, to wit: 'An act to authorize Gilbert D. Taylor to emancipate certain slaves therein named;' and 'An act to manumit a negro woman slave, Margaret, & her children;' in which they desire your concurrence.

A bill from the house of representatives, to be entitled 'an act to authorize Gilbert D. Taylor to emancipate certain slaves therein named;' &

A bill to be entitled 'an act to manumit a negro woman slave, Margaret, and her children;' were severally read the first time. *Ordered*, that said bills be made the order of the day for a second reading on to-morrow.

Mr. Sullivan presented the petition of Mary Jones, administratrix of Thomas A. Jones, deceased, praying the passage of a law authorizing her to sell certain real estate; which was read, and on motion referred to the committee on the Judiciary.

Mr. President laid before the senate a communication in writing from the Secretary of State; which was read, and is as follows:

Secretary of State's Office, November the 27th, 1822.

To the President of the Senate,

SIR—In obedience to resolution of the senate of the 25th instant, requiring the Secretary of State 'to furnish the senate with a report embracing a statement of all transactions under an act of last session, entitled 'an act for the relief of purchasers at the first sale of lots in the town of Cahawba,' I have the honor to submit, herewith, a report which contains all the information required by said resolution, in the possession of this office. I have the honor to be, sir, your ob't serv't, J. J. PLEASANT.

On motion, ordered that said report together with the accompanying documents lie on the table.

On motion of Mr. M'Vay, the following resolution was adopted: *Resolved*, that the Judiciary committee be instructed to inquire into the expediency of amending or altering the Constitution, so that a shorter time than the time allowed by the Constitution, at present, of citizenship, to authorize and qualify voters for members of the General Assembly, &c.

On motion of Mr. Conner, *Resolved*, that the committee on Propositions and Grievances be instructed to inquire into the expediency of retrenchment in the compensation allowed the officers of this state, and the members of the General Assembly.

Mr. Hopkins obtained leave to introduce a bill, to be entitled 'an act to authorize fathers to devise the custody and tuition of their infant children; which was read the first time. *Ordered*, that said bill be made the order of the day for a second reading on to-morrow.

On motion of Mr. Sullivan, *Resolved*, that a committee be appointed to examine into the situation of the state Arsenal, & the public arms therein.

Messrs. Sullivan, Shackelford and Devereux were appointed said committee.

Mr. Sullivan obtained leave to introduce a bill to be entitled 'an act giving execution for costs in the supreme court; which was read the first time.

Ordered, that said bill be made the order of the day, for a second reading on to-morrow.

On motion of Mr. Bibb, the bill, to be entitled 'an act to alter the mode of voting in general elections by the people,' was taken up, and read.

On motion of Mr. Casey, *Ordered*, that said bill be committed to a committee of the whole house, and made the order of the day for to-morrow.

The senate then proceeded to the orders of the day.

A bill from the House of Representatives, to be entitled 'an act for the relief Henry Stokes and others,' was read the second time.

On motion, *ordered*, that said bill be referred to a select committee to examine and report thereon.

Messrs. Moore, M'Vay and M'Camy, were appointed said committee.

A bill from the House of Representatives, to be entitled an 'act permanently to fix the seat of Justice for the county of Blount,' was read the second time.

Ordered, that said bill be made the order of the day for a third reading on to-morrow.

A bill, to be entitled 'an act to authorize the emancipation of certain persons therein mentioned,' was read the second time.

On motion, *ordered*, that said bill be committed to a committee of the whole house and made the order of the day for Saturday next.

A bill, to be entitled 'an act to establish a road from the house of John Morgan in Morgan county, to Baltimore in Blount county,' was read the second time.

On motion, *ordered*, that said bill be committed to a committee of the whole house and made the order of the day for Saturday next.

A bill, to be entitled an act to exempt preachers of the Gospel from the payment of ferriage in certain cases,' was read the second time.

Ordered, that said bill be referred to the committee on the judiciary, to examine and report thereon.

A bill to be entitled 'an act to prevent immoral and disorderly conduct at places of religious worship,' was read the second time.

Ordered that said bill be engrossed and made the order of the day for third reading on to-morrow.

A bill, to be entitled 'an act relative to election precincts,' was read the second time. On motion, *ordered* that said bill lie on the table.

An engrossed bill, to be entitled 'an act to authorize Augustus Baucom to emancipate a certain slave therein named,' was read the 3d time.

Mr. Powell offered the following amendment to said bill by way of rider: 'Provided however, that the said slave Gadstith shall remove be-

22
yond the limits of this state within twelve months after his emancipation, and shall not return to reside therein,' which amendment was read three several times and adopted. The question was then put, 'shall this bill pass as amended?' and decided in the affirmative.

Ordered, That the title of said bill be changed from that of "a bill" to that of "an act &c." and that the same be sent to the House of Representatives for their concurrence.

An engrossed resolution, regulating the pay of Brevet Brigadier General Dale, was read the third time and passed.

Ordered that the title be as aforesaid, and that the same be sent to the House of Representatives for their concurrence.

An engrossed bill, to be entitled 'an act to authorize Rosanna Lambkin and Elijah Hogan to convey to Isaac Jackson a certain tract of land therein mentioned,' was read the third time. On motion of Mr. Shackelford, ordered that said bill lie on the table.

An engrossed bill, to be entitled 'an act to authorize the administrator and administratrix of Davis H. Mayhew, deceased, to sell real estate' was read the third time. On motion of Mr. Armstrong, Ordered, that said bill lie on the table.

An engrossed bill, to be entitled 'an act, supplementary to an act to incorporate the City of Mobile passed the 17th day of December 1819' was read the third time and passed. Ordered, that the title of said bill be as aforesaid, and that the same be sent to the House of Representatives for their concurrence.

The report of the committee appointed on the petition of Seaburn Whatley was taken up, and the resolution reported by said committee was read the second time. On motion, ordered, that said resolution be referred to a committee of the whole house and made the order of the day for Tuesday next.

The resolution reported by the committee, to whom was referred the petition of John Byler, extending to him and his associates time to complete a road therein named, was taken up and read the second time.

Mr. Hopkins moved to amend said resolution, by the adoption of the following proviso to the same.

And on the question being put on the adoption of said amendment, it was decided in the affirmative.

On motion, ordered, that said resolution be engrossed, and made the order of the day for a third reading on to-morrow.

On motion, the bill, to be entitled 'an act to continue in force and amend an act to repeal in part and amend an act, entitled an act to regulate the proceedings in the courts of Law and Equity in this state, and for other purposes therein mentioned,' was taken up & read the second time.

On motion of Mr. Hopkins, ordered, that said bill be committed to a committee of the whole house, and made the order of the day for Monday next.

On motion of Mr. Casey, the minutes and ordinances of the Trustees of the University, which accompanied the Governor's message, were read and referred to the committee on schools and colleges and school college lands.

On motion of Mr. Murphy, ordered, that the documents relative to the resolution, regulating the pay of Brevet Brigadier General Dale, be forwarded to the House of Representatives with the said resolution.

On motion of Mr. Coats, ordered, that Mr. Murphy be added to the committee appointed to lay off the state into Congressional Districts.

On motion, the Senate adjourned till to-morrow morning at 10 o'clock.
Friday, November 29, 1822.

The Senate met pursuant to adjournment.

Mr. Crabb presented the petition of Matthew Herberson, administrator of Samuel Herberson, deceased, praying the passage of a law authorizing him to sell certain real estate; which was read, and referred to a select committee, Messrs. Crabb, Hopkins, and M. Vay, were appointed said committee.

Mr. Hopkins from the judiciary committee, to whom was referred a resolution of the senate instructing said committee to inquire into the expediency of passing a law more effectually to prevent the selling of spirituous liquors to indians and negroes, reported a bill, to be entitled 'an act to amend an act entitled an act, passed 4th March, 1803, revised and amended February 10th, 1807;' which was read the first time.

On motion, *Ordered*, that said bill be made the order of the day, for a second reading on to-morrow.

Message from the House of Representatives, by Mr. Davis, a member thereof.

Mr. President and Gentlemen of the Senate,

I am instructed by the House of Representatives to inform your honorable body, that they have read a third time and passed bills of the following titles, to wit:

'An act authorizing the administrator of William Nelson, deceased, to sell certain real estate therein named;'

'An act to incorporate the trustees of Athens Female Academy in Limestone county;'

'An act to authorize the administrator and Administratrix of John [illegible] deceased, to sell and convey certain real estate;'

'An act to authorize the Governor of this state, to remit all or a part of a forfeiture which has or may accrue to this state;'

'An act to incorporate the town of Ashville in the county of St. Clair;'

'An act to mark out and establish a road, leading from the city of Mobile in the county of Mobile to Edwin Lewis's turnpike road in said county;'

'An act divorcing Robert Bransford from his wife Jane Bransford;'

In all of which, they desire your concurrence.

Mr. Hopkins from the judiciary committee, to whom was referred a bill, to be entitled 'an act respecting jeofails, made the following report:

Resolved, that it is inexpedient to pass the bill to be entitled 'an act respecting jeofails.'

On motion of Mr. Powell, ordered, that said report lie on the table.

Mr. Hopkins from same committee, to whom was referred a bill, to be entitled 'an act supplementary to an act to provide for assessing the taxes of this state,' passed Dec. 17th, 1821, reported the following resolution:

Resolved, that it is inexpedient to pass the bill, to be entitled 'an act supplementary to an act to provide for assessing and collecting the taxes of this state, passed Dec. 17th, 1821.' On motion, ordered that said report lie on the table.

A bill from the house of representatives, to be entitled 'an act to incorporate the town of Ashville in the county of St. Clair;'

'An act to authorize the Governor of this state to remit all or any part

of any fine or forfeiture, which has or may hereafter accrue to this state ;

'An act to authorize the administrator and administratrix of John Ellis, deceased, to sell and convey certain real estate ;'

'An act to incorporate the Trustees of Athens Female Academy in Limestone county ;'

'An act to authorize the administrators of William Nelson, deceased, to sell certain real estate therein named ;'

'An act to mark out and establish a road, leading from the city of Mobile, in the county of Mobile, to Edwin Lewis' turnpike road in said county ;' &

'An act divorcing Robert Bransford from his wife Jane Bransford ;' were severally read the first time. On motion, *Ordered*, that said bills be made the order of the day for a second reading on to-morrow.

On motion of Mr. Crabb, *Ordered*, that Mr. Hopkins be added to the committee appointed to lay the state off into Congressional districts.

On motion of Mr. Shackelford, *Ordered*, that Mr. Wood be added to said committee.

On motion of Mr. Armstrong, the following resolution was adopted:

Resolved, that a special committee be appointed by the senate, to examine into the expediency of so amending the act to provide for the public printing, and for other purposes, now in force, as will authorize the laws and journals of this state to be printed at any place within the same, where it can be done upon the best and cheapest terms. Messrs. Armstrong, Crabb and Murphy were appointed said committee.

On motion of Mr. Sullivan, ordered, that Mr. Casey be added to the committee appointed to lay off the state into congressional districts.

Mr. Sullivan from the select committee, to whom was referred the petition of John Boyce reported a bill, to be entitled 'an act for the relief of John Boyce;' which was read the first time.

On motion, *Ordered*, that said bill be made the order of the day, for a second reading on to-morrow.

A message was received from the House of Representatives, by Mr. Morton, informing the Senate, that they had read a third time and passed a bill, to be entitled 'an act for the relief of David White;' in which they desire the concurrence of the Senate.

A bill from the House of Representatives to be entitled 'an act for the relief of David White,' was read the first time.

On motion of Mr. Casey, the rule which requires all bills to be read on three several days was dispensed with; and said bill was read the second time.

Ordered, that said bill be made the order of the day, for a third reading on to-morrow.

Mr. Moore from the select committee, to whom was referred the bill, to be entitled 'an act for the relief of Henry Stokes and others,' reported the same with an amendment; which was concurred in.

Ordered, That said bill be made the order of the day, for a third reading on Monday next.

A bill from the House of Representatives, to be entitled 'an act to authorize Gilbert D. Taylor to emancipate certain slaves therein named,' was read the second time.

Ordered, that said bill be made the order of the day for a third reading on Monday next.

A bill from the House of Representatives, to be entitled 'an act to manumit a negro woman slave, Margarot, and her children,' was read the second time.

On motion of Mr. Murphy, ordered, that said bill be committed to a select committee to examine and report thereon: Messrs. Murphy, Hopkins and Wood were appointed said committee.

On motion of Mr. Wood, the senate, according to order, resolved itself into a committee of the whole, on the bill, to be entitled 'an act to alter the mode of voting in general elections by the people,' Mr. Armstrong in the chair; and after sometime spent in the consideration thereof, the committee rose, and Mr. Armstrong reported, that the committee of the whole, had, according to order, had said bill under consideration, and had directed him to report the same with sundry amendments.

On motion, the Senate adjourned till 4 o'clock, P. M.

4 o'clock, P. M.

The senate met pursuant to adjournment.

Mr. Bibb moved, that the Senate concur in the report of the committee of the whole on the bill, to be entitled 'an act to alter the mode of voting in general elections by the people.'

Mr. Casey moved to amend said bill, by inserting after the words 'except for militia officers, justices of the peace, and constables,' in the first section of said bill, the words 'members of the General Assembly and all other officers.'

And the question being put, it was decided in the negative.

Yeas 7

Nays 11.

The yeas & nays being desired, those who voted in the affirmative, are,

| | | | |
|-----------|----------|--------|-------------|
| Mr. Coats | Copper | Murphy | Sullivan—7. |
| Casey | Devereux | Smith | |

Those who voted in the negative, are,*

| | | | |
|---------------|---------|---------|-------------|
| Mr. President | Crabb | M'Vay | Shackleford |
| Armstrong | Hopkins | Metcalf | Wood—11. |
| Bibb | M'Camy | Moore | |

Mr. Casey moved to divide the question on concurring in the amendments made by the committee of the whole to said bill.

And on the question being put, it was resolved in the affirmative.

Mr. Casey moved to strike out the words 'two years,' in the fourth section of said bill, where it reads thus 'And be it further enacted, that said bill continue in force for two years, from and after the passage thereof,' and insert in lieu thereof, the words 'one year.'

And on the question being put, it was decided in the negative.

Yeas 7

Nays 11.

The yeas & nays being desired, those who voted in the affirmative, are,

| | | | |
|-----------|----------|--------|------------|
| Mr. Casey | Conner | Murphy | Sullivan—7 |
| Coats | Devereux | Smith | |

Those who voted in the negative, are,

| | | | |
|---------------|---------|---------|-------------|
| Mr. President | Crabb | M'Vay | Shackleford |
| Armstrong | Hopkins | Metcalf | Wood—11 |
| Bibb | M'Camy | Moore | |

The question was then put, will the Senate concur in the amendments made by the committee of the whole to said bill? and decided in the affirmative.

Mr. Coats moved to amend said bill by adding thereto an additional section:

And be it further enacted, that this act shall commence and be in force from and after the first day of January, eighteen hundred and twenty-four.'

And on the question being put on the adoption of said amendment, it was decided in the negative.

On motion, Ordered, that said resolution, be made the order of the day for a third reading on to-morrow.

The further orders of the day were postponed till to-morrow.

The following communication in writing was received from His Excellency, by J. J. Pleasants, esq. secretary of State.

Executive Department, Nov. 29, 1822.

Gentlemen of the Senate, and of the House of Representatives:

I have received the resignation of Thomas Murray, esq. as judge of the county court of Mobile county; leaving a vacancy to be filled by the general assembly.

I have the honor to be, your most obedient,

ISRAEL PICKENS.

On motion, ordered, that said communication lie on the table.

On motion the Senate adjourned till to-morrow morning 10 o'clock.

Saturday, November 30.

The Senate met pursuant to adjournment.

A Message from the House of Representatives by Mr. Dodson, their clerk.

Mr. President and Gentlemen of the Senate:

I am instructed by the House of Representatives to inform your honourable body, that they have read a third time and passed, a bill of the following title, to wit: 'an act concerning Millers;' in which they desire your concurrence.

A bill from the House of Representatives, to be entitled 'an act concerning Millers,' was read the first time.

On motion, Ordered, that said bill be made the order of the day, for a second reading on Monday next.

Mr. Casey, from the committee on roads, bridges and ferries, to whom was referred the petition of sundry citizens of Monroe county, reported a bill, to be entitled 'an act to amend an act passed December 17th 1821;' which was read the first time.

Ordered, that said bill be made the order of the day, for a second reading on Monday next.

Mr. Hopkins, from the judiciary committee to whom was referred a resolution of the senate, instructing them to inquire whether the continuance of the present county court system, by an act of the General Assembly, will give the present judges of the county courts, a right to retain their offices without a new election, made the following report:

The judiciary committee, to whom was referred a resolution instructing them to inquire whether the continuance of the present county court system by an act of the present general assembly will give the present judges of the county courts, a right to retain their offices without a new election, have, according to order, had the same under consideration, and beg leave to report, that if the present county court system be continued by an act, the operation of which will commence at or before the time limited for the expiration of said system, the present judges of the county courts will, in the opinion of the said committee, be entitled to their offices without a new election; but the postponement of the operation of an act intended to revive the present county court system to a day posterior to that appointed for the expiration of said system, would create the necessity of an election by the General Assembly of judges of the county courts.

Which was concurred in.

Mr. Hopkins, from said committee to whom was referred a resolution of the senate instructing them to inquire into the expediency of prevent-

ing sheriffs from executing civil process returnable before a justice of the peace, reported the following resolution:

Resolved, that it is inexpedient to enact a law preventing sheriffs from executing civil process returnable before a justice of the peace; which was agreed to.

Mr. Hopkins, from said committee, to whom was referred a resolution instructing them to inquire into the expediency of passing a law allowing to justices courts a jury in civil cases, reported the following resolution:

Resolved, that it is inexpedient to allow justices courts a jury in civil cases.

Mr. Casey moved, that the senate disagree to said report.

And on the question being put, it was decided in the affirmative—

Yeas 11

Nays 8.

The yeas and nays being desired, those who voted in the affirmative, are,

| | | | |
|-----------|----------|--------|----------|
| Mr. Casey | Devereux | Moore | Sullivan |
| Coats | M'Vay | Powell | Wood—11 |
| Conner | Metcalf | Smith | |

Those who voted in the negative, are,

| | | | |
|---------------|-------|---------|-----------------|
| Mr. President | Bibb | Hopkins | Murphy |
| Armstrong | Crabb | M'Camy | Shacklesford—8. |

Mr. Murphy moved, that the judiciary committee be instructed to prepare and report a bill allowing to justices courts a jury in civil cases.

And on the question being put, it was resolved in the affirmative.

Mr. Hopkins from the judiciary committee to whom was referred a resolution instructing them inquire into the expediency of so amending the constitution of this state, that a shorter residence will qualify persons to vote for members of the General Assembly, reported the following resolution:

Resolved, That it is inexpedient to amend the Constitution that a shorter residence in this state, and the counties thereof will qualify persons to vote for members of the General Assembly: which was concurred in.

Mr. Hopkins from said committee, to whom was referred a resolution instructing them to inquire into the expediency of providing by law for filling vacancies in offices produced by failures to hold elections, reported the following resolution:

Resolved, That it is unnecessary to enact a law providing for filling vacancies in offices produced by failures to hold elections; which was agreed to.

Mr. Hopkins from said committee, to whom was referred a bill to be entitled 'an act to regulate sheriffs sales,' reported the same with amendments; which were concurred in. On motion, ordered, that said bill be engrossed, and made the order of the day for a third reading on Monday next.

Mr. Hopkins, from said committee, to whom was referred a bill, to be entitled 'an act to exempt preachers of the gospel from the payment of ferriage in certain cases,' reported the same with amendments; which were concurred in. On motion, ordered, that said bill be committed to a committee of the whole house, and made the order of the day for Monday next.

Mr. Hopkins from said committee, to whom was referred the petition of Mary Jones, administratrix of Thomas A. Jones, deceased, reported a bill, to be entitled 'an act to authorize Mary Jones, administratrix of

Thomas A. Jones, deceased, to sell and convey certain real estate; which was read the first time.

On motion, *Ordered*, that said bill be made the order of the day, for a second reading on Monday next.

Mr. Conner obtained leave to introduce a bill, to be entitled 'an act repealing an act making an appropriation to Colonel Samuel Dale;' which was read the first time.

On motion, *Ordered*, that said bill be made the order of the day, for a second reading on Monday next.

Mr. Sullivan obtained leave to introduce a bill, to be entitled 'an act for the payment of Jurors in the circuit court;' which was read the first time.

On motion, *Ordered*, that said bill be made the order of the day, for a second reading on Monday next.

On motion of Mr. Moore, the bill to be entitled 'an act to authorize Rosanna Lambkin and Elijah Hogan to convey to Isaac Jackson a certain tract of land, was taken up, and on the question being put, Shall this bill pass? it was decided in the affirmative.

Ordered, That the title of said bill be changed from that of 'a bill' to that of 'an act to authorize Rosanna Lambkin and Elijah Hogan to convey to Isaac Jackson a certain tract of land'—and that the same be sent to the House of Representatives for their concurrence.

A message from the House of Representatives, by Mr. Dodson, their clerk.

Mr. President and Gentlemen of the Senate:

I am instructed by the House of Representatives to inform your honorable body, that they have read the third time and passed.

'An act to change the name of, and legitimate a certain person therein named;' which originated in your honorable body.

They have also, read a third time and passed, a bill entitled 'an act the better to secure debts upon writs of Error;' which originated in the House of Representatives, and in which they desire your concurrence.

A bill to be entitled 'an act to authorize Fathers to devise the custody and tuition of their infant children, was read the second time.

On motion, *Ordered*, that said bill be referred to the judiciary committee, to examine and report thereon.

On motion of Mr. Bibb, the bill, to be entitled 'an act to authorize the administrator and administratrix of Davis H. Mayhew, deceased, to sell real estate was taken up; And on the question, shall this bill pass? it was decided in the affirmative.

Ordered, That the title of said bill be 'an act to authorize the administrator and administratrix of Davis H. Mayhew, deceased, to sell real estate;' and that the same be sent to the House of Representatives for their concurrence.

A bill from the House of Representatives, to be entitled 'an act for the relief of David White,' was read a third time; and on the question being put on the passage of said bill, it was decided in the affirmative.

Yeas 11

Nays 8.

The yeas & nays being desired, those who voted in the affirmative, are,

Mr. Armstrong
Bibb
Casey

Crabb
Deveraux
Hopkins

Murphy
Powell
Shackelford

Smith
Sullivan—11

Those who voted in the negative, are,

Mr. President
Conner

Coats
McCamy

M'Vay
Metcalf

Moore
Wood—8.

A bill, to be entitled 'an act giving execution for costs in the Supreme Court,' was read the second time.

On motion, *Ordered*, that said bill be referred to the judiciary committee, to examine and report thereon.

A bill to be entitled 'an act to amend an act, passed 4th March 1803, revised and corrected February 10th, 1807;'

A bill, to be entitled 'an act to incorporate the town of Ashville in the county of St. Clair;'

A bill, to be entitled 'an act to authorize the Governor of this state to remit all or part of any forfeiture, which has or may accrue to this state; and

A bill, to be entitled 'an act to authorize the administrator and administratrix of John Ellis, deceased, to sell and convey certain real estate;' were severally read the second time.

On motion, *Ordered*, that said bills be committed to a committee of the whole house, and made the order of the day for Monday next.

A bill, to be entitled 'an act to incorporate the Trustees of Athens Female Academy in Limestone county;' and

A bill, to be entitled 'an act to mark out and establish a road leading from the city of Mobile in the county of Mobile to Edwin Lewis' turnpike road in said county;' were severally read the second time.

On motion, ordered, that said bills be made the order of the day for a third reading on Monday next.

A bill, to be entitled 'an act to authorize the administrator and administratrix of William Nelson, deceased, to sell certain real estate therein named;' and

A bill, to be entitled 'an act to divorce Robert Bransford from his wife, Jane Bransford;' were severally read the second time.

On motion, ordered, that said bills be committed to a committee of the whole house, and made the order of the day for Monday next.

A bill, to be entitled 'an act for the relief of John Boyce,' was read the second time.

On motion of Mr. Sullivan, ordered that said bill be referred to the committee on propositions and grievances, to examine and report thereon.

A bill from the House of Representatives, to be entitled 'an act the better to secure debts upon writs of error,' was read the first time.

Ordered, that said bill be made the order of the day, for a second reading on Monday next.

The Senate according to order, resolved itself into a committee of whole, on the bill to be entitled 'an act to authorize the emancipation of certain slaves therein named,' Mr. Casey in the chair; and, after some time spent therein, the committee rose and Mr. Casey reported said bill with sundry amendments; which were concurred in. *Ordered*, that said bill be engrossed and made the order of the day for a third reading on Monday next.

A message was received from the House of Representatives by Mr. Mead, a member thereof, informing the Senate, that they had read a third time and passed a bill, to be entitled 'an act to organize the counties of Pike and Covington.

On motion the Senate adjourned till 3 o'clock, P. M.

Three o'clock, P. M.

The Senate met pursuant to adjournment.

A bill from the House of Representatives, to be entitled 'an act to organize the counties of Pike and Covington;' was read the first time.

On motion, ordered, that said bill be made the order of the day, for a second reading on Monday next.

Mr. Moore, from the committee on enrolled bills, reported, that said committee had examined 'an act for the relief of David White,' and found the same duly enrolled; which was accordingly signed by Mr. President.

Mr. Moore, from the select committee, to whom was referred the petition of Mary White, reported a bill, to be entitled 'an act in relation to the estate of James White, deceased;' which was read the first time.

Ordered, That said bill be made the order of the day for a second reading on Monday next.

On motion, ordered that the bill to be entitled 'an act to establish a road from the house of John Gandie in Morgan county, to Baltimore in Blount county,' be laid on the table.

A bill from the House of Representatives, to be entitled 'an act permanently to fix the seat of justice in the county of Blount,' was read the third time and passed.

'Resolution extending time to John Byler and his associates, to open and finish a road therein named,' was read the third time and passed.

Ordered, That the title of said resolution be as aforesaid; and that the same be sent to the House of Representatives for their concurrence.

An engrossed bill, to be entitled 'an act to prevent immoral and disorderly conduct at places of religious worship,' was read the third time and passed.

Ordered, That the title of said bill be changed from a 'A bill,' to that of 'An act to prevent immoral and disorderly conduct at places of religious worship;' and that the same be sent to the House of Representatives for their concurrence.

An engrossed bill, to be entitled 'an act to alter the mode of voting in general elections by the people,' was read the third time. Mr. Casey moved to fill the blank in the first section of said bill, where it reads 'the

Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened, That from and after the day of _____ next, in all elections by the people, except for _____ officers, justices of the peace and constables, which shall be conducted as heretofore, the votes shall be given *viva voce*, and not by ballot,' and the words 'first' day of 'September' next. And on the question being put, it was decided in the negative. Yeas 8—Nays 11.

The yeas and nays being desired, those who voted in the affirmative, are,

| | | | |
|-----------|----------|--------|-------------|
| Mr. Casey | Conner | Murphy | Smith |
| Coats | Devereux | Powell | Sullivan—8. |

Those who voted in the negative, are,

| | | | | |
|---------------|---------|--------|---------|-------------|
| Mr. President | Crabb | M'Camy | Metcalf | Shackelford |
| Armstrong | Hopkins | M'Vay | Moore | Wood—11 |
| Bibb | | | | |

Mr. Bibb moved to fill the said blank with the words, "first day of January next."

And on the question being put, it was resolved in the affirmative.

Mr. Sullivan offered the following amendment to said bill by way of rider: 'Provided, that the counties of Perry and Autauga shall be exempt from the provisions of this act, and elections of said counties conducted therein as heretofore.'

Mr. Casey moved to amend said amendment by inserting after the words 'Perry and Autauga,' the counties of 'Dallas, Monroe, Clarke, Wilcox, Marengo, Greene, Conecub, Covington, Henry, and Pike.'

And on the question being put on the adoption of said amendment, it was decided in the negative. Yeas 8—Nays 11.

The yeas & nays being desired, those who voted in the affirmative, are,

| | | | |
|-----------|----------|-------------|------------|
| Mr. Coats | Conner | Murphy | Smith |
| Casey | Devereux | Shackleford | Sullivan—8 |

Those who voted in the negative, are,

| | | | |
|---------------|---------|---------|---------|
| Mr. President | Crabb | M'Vay | Powell |
| Armstrong | Hopkins | Metcalf | Wood—11 |
| Bibb | M'Camy | Moore | |

The question was then put on the adoption of the amendment offered by Mr. Sullivan, and decided in the negative. Yeas 8—Nays 11.

The yeas & nays being desired, those who voted in the affirmative, are,

| | | | |
|-----------|----------|-------------|-------------|
| Mr. Coats | Conner | Murphy | Smith |
| Casey | Devereux | Shackleford | Sullivan—8. |

Those who voted in the negative, are,

| | | | |
|---------------|---------|---------|---------|
| Mr. President | Crabb | M'Vay | Powell |
| Armstrong | Hopkins | Metcalf | Wood—11 |
| Bibb | M'Camy | Moore | |

And on the question, shall the bill to be entitled 'an act to alter the mode of voting in general elections by the people' pass? it was decided in the affirmative. Yeas 11 Nays 8.

The yeas & nays being desired, those who voted in the affirmative, are,

| | | | |
|---------------|---------|---------|-------------|
| Mr. President | Crabb | M'Vay | Shackleford |
| Armstrong | Hopkins | Metcalf | Wood—11. |
| Bibb | M'Camy | Moore | |

Those who voted in the negative, are,

| | | | |
|-----------|----------|--------|-------------|
| Mr. Casey | Conner | Murphy | Smith |
| Coats | Devereux | Powell | Sullivan—8. |

Ordered, that the title of said bill be 'an act to alter the mode of voting in general elections by the people;' and that the same be sent to the House of Representatives for their concurrence.

On motion, the Senate adjourned until Monday morning 10 o'clock.

Monday, December 2.

The senate met pursuant to adjournment.

Mr. Armstrong presented the memorial of sundry inhabitants of Mobile, praying the Legislature to memorialize Congress upon the subject of the fortifications at Mobile Point; which was read; and on motion referred to a special committee; whereupon Messrs. Armstrong, Murphy and Hopkins, were appointed said committee.

Mr. Armstrong presented the petition of sundry citizens of Mobile, praying the passage of a law authorising the appointment of a Weigher of Cotton; which was read, and on motion referred to the Committee on Propositions and Grievances.

Mr. Armstrong, also, presented the petition of Nicholas Pope, praying the passage of a law authorizing him to emancipate a certain slave; which was read;

And on motion, referred to a special committee, consisting of Messrs. Armstrong, Shackleford and Wood.

Mr. Crabb, from the special committee, to whom was referred the petition of Matthew Herberson, administrator of Samuel Herberson, deceased reported a bill to be entitled "an act to authorize the administrator of Samuel Herberson, deceased, to sell a certain tract of land therein designated" which was read the first time.

Ordered, That said bill be made the order of the day, for a second reading on to-morrow.

Mr. McCamy obtained leave to introduce a bill, to be entitled 'an act to give Jackson county an additional election precinct;' which was read

the first time. Ordered, that said bill be made the order of the day or a second reading on to-morrow.

Mr. Hopkins obtained leave to introduce a bill, to be entitled 'an act concerning inquiry of damages,' which was read the first time.

Ordered, that said bill be made the order of the day for a second reading on tomorrow.

Mr. Hopkins obtained leave to introduce a bill to be entitled 'an act concerning intestates estates, and also a bill, to be entitled 'an act to authorize the granting of letters testamentary without security in certain cases therein named;' which were severally read the first time. On motion, ordered, that said bills be made the order of the day for a second reading on to-morrow.

The Senate then proceeded to the orders of the day.

A bill, to be entitled 'an act to authorize the administrator and administratrix of Robert Gillaspey, deceased, to sell certain lands therein named,' was read the second time. On motion, ordered, that said bill be referred to the judiciary committee to examine and report thereon.

A bill from the House of Representatives, to be entitled 'an act concerning millers,' was read the second time. Ordered, That said bill be made the order of the day for a third reading on to-morrow.

A bill to be entitled 'an act to amend an act, passed Dec. 17th, 1821,' and a bill to be entitled 'an act to authorize Mary Jones administratrix of Thomas A. Jones, deceased, to sell and convey certain real estate,' were severally read the second time.

On motion, Ordered, that said bills be engrossed, and made the order of the day, for a third reading on to morrow.

A bill to be entitled 'an act repealing an act making an appropriation to Colonel Samuel Dale,' was read the second time. On motion of Mr. Bibb, ordered, that said bill lie on the table.

A bill to be entitled 'an act for the payment of jurors in the circuit courts of this state,' was read the second time. On motion, ordered, that said bill be committed to the committee on the judiciary to examine and report thereon.

A bill from the House of Representatives, to be entitled 'an act the better to secure debts on writs of error,' was read the second time.

On motion, Ordered, that said bill be made the order of the day for a third reading on to-morrow.

A bill from the House of Representatives, to be entitled 'an act to organize the counties of Covington and Pike,' was read the second time.

On motion of Mr. Devereux, the Senate resolved itself into a committee of the whole on said bill—Mr. Casey in the chair; and after some time spent therein, the committee rose, and Mr. Casey reported said bill with sundry amendments, which were concurred in.

On motion, Ordered, That said bill be made the order of the day, for a third reading on to-morrow.

A bill to be entitled 'an act in relation to the estate of James White, deceased,' was read the second time. Ordered, that said bill be engrossed and made the order of the day for a third reading on to-morrow.

A bill from the House of Representatives, to be entitled 'an act to authorize Gilbert D. Taylor to emancipate certain slaves therein named,' was read the third time and passed. Ordered, That the secretary inform the House of Representatives thereof.

A bill from the House of Representatives to be entitled 'an act for the relief of Henry Stokes and others,' was read the third time and passed.

Ordered, that the Secretary notify the House of Representatives thereof, and desire their concurrence in the amendments made thereto.

A bill from the House of Representatives to be entitled 'an act to incorporate the trustees of Athens Female Academy, in Limestone county;'

And a bill to be entitled 'an act to mark out and establish a road leading from the city of Mobile in the county of Mobile, to Edwin Lewis' turnpike road in said county,' were severally read the third time and passed. Ordered, that the secretary inform the House of Representatives thereof.

An engrossed bill to be entitled 'an act to authorize the emancipation of certain slaves therein mentioned,' was read the third time.

Mr. M'Vay moved to fill the blank in the last section of said bill with the words 'twenty-one,' and on the question being put, it was resolved in the affirmative. The question was then put, shall this bill pass? and decided in the affirmative.

Ordered, that the title of said bill be 'an act to authorize the emancipation of certain slaves therein mentioned,' and that the same be sent to House of Representatives for their concurrence.

The Senate, according to the order of the day, resolved itself into a committee of the whole on the 'resolution to repeal a resolution allowing to the comptroller of public accounts two hundred and fifty dollars in addition to his present salary, passed at the last session of the General Assembly;' Mr. Bibb in the chair; and, after some time spent therein, the committee rose, and Mr. Bibb reported said resolution without amendment; which was concurred in.

Mr. Shackelford offered the following amendment to said resolution: 'And be it further resolved, That this resolution shall not be so construed as to repeal the appropriation allowed for the year past, but to operate for the future,' which was adopted.

On motion, Ordered, That said resolution be engrossed and made the order of the day, for a third reading on to-morrow.

The Senate according to order, resolved itself into a committee of the whole, on the bill, to be entitled 'an act to continue in force and amend an act entitled an act to repeal in part and amend an act entitled an act to regulate the proceedings in the courts of Law and Equity in this state, and for other purposes therein mentioned;' Mr Bibb in the chair, and after some time spent therein, the committee rose, and Mr. Bibb reported the same with sundry amendments, which were concurred in.

A Message from the House of Representatives by Mr. Davis, a member thereof: Mr. President and Gentlemen of the Senate, I am instructed by the House of Representatives to inform your honourable body, that they have read a third time and passed, 'an act to repeal in part and amend an act supplementary to an act entitled an act to incorporate the city of Mobile, passed 17th December 1819,' and, 'an act authorizing Augustus Baudry to emancipate a certain slave therein named;' which originated in your honourable body.

Mr. President laid before the senate a communication from the Governor, which was read and is as follows.

Executive Department, December 2d, 1822.

Gentlemen of the Senate, and of the House of Representatives,

I have this day received the resignation of the Hon. John W. Walker, a senator from this state, in the congress of the United States. And I have to add with much concern and regret, that extreme ill-health has been the cause of denying to the State a longer continuance of his services in that important station.

I take this early occasion to communicate this information, to allow you that full time for deliberation in the selection of a successor, which is required by the importance of the grade of service, and by its length of continuance. The period of vacancy left by this resignation will expire on the third day of March 1825.

I have the honor to be, your most obedient,

ISRAEL PICKENS.

On, motion, *Ordered*, that said communication lie on the table.

On motion the senate adjourned till 3 o'clock.

Evening—3 o'clock.

The Senate met pursuant to adjournment.

The senate resumed the consideration of the bill, to be entitled 'an act to continue in force and amend an act entitled an act to repeal in part and amend an act entitled an act to regulate the proceedings in the courts of law and equity in this state, and for other purposes therein mentioned.

Mr. M'Vay offered the following amendment to said bill.

'*And be it further enacted*, that the justices of the peace in each county in this state, be and they are hereby appointed commissioners of the roads and revenue, and they are hereby authorized and required to perform all the duties required of commissioners of roads and revenue in like manner as is required by the twenty-eight and twenty-ninth sections of an act, entitled 'an act to repeal in part, and amend an act to regulate the proceedings in the courts of law and equity in this state.

'*And be it further enacted*, that so much of the twenty-eighth section of the act last recited in this act, be, and the same is hereby repealed: *Provided however*, that not less than six justices of the peace with the judge of the county court shall form a quorum to do business,' and on the question being put on the adoption of said amendment, it was decided in the negative.

Yeas 5

Nays 14

The yeas and nays being desired, those who voted in the affirmative are,

| | | | | |
|--------------|-------|-------|-------|---------|
| Mr. Deveraux | M'Vay | Moore | Smith | Wood—5. |
|--------------|-------|-------|-------|---------|

Those who voted in the negative, are,

| | | | | |
|--------------|--------|---------|---------|-------------|
| Mr President | Casey | Crabb | Metcalf | Shackleford |
| Armstrong | Coats | Hopkins | Murphy | Sullivan—14 |
| Bibb | Conner | M'Camy | Powell | |

On motion of Mr. Bibb, *Ordered*, that said bill be engrossed and made the order of the day, for a third reading on to-morrow.

Message from the House of Representatives by Mr. Davis, a member thereof:

Mr. President and Gentlemen of the Senate,

I am instructed by the House of Representatives to inform to your honourable body, that they have read a third time & passed bills of the following titles, to wit: 'an act to authorize David Peobles to continue a toll-bridge erected over the Escambia Creek in the county of Conecuh;

'An act to incorporate the Huntsville fire engine company.'

'An act to manumit certain slaves therein named,' and

'An act to suppress the evil practice of fire hunting.' In which they desire your concurrence.

A bill from the House of Representatives, to be entitled 'an act to suppress the evil practice of fire hunting, was read the first time.

On motion, *Ordered*, That said bill be made the order of the day for a second reading on to-morrow.

On motion the senate adjourned 'till to-morrow morning 10 o'clock.

Tuesday, 3d Dec. 1822.

The senate met pursuant to adjournment.

Mr. Powell presented the petition of George Cox, administrator of Benjamin Cox, deceased, praying the passage of a law authorizing him to sell certain real estate; which was read, and on motion referred to a special committee, consisting of Messrs. Powell, Sullivan and Wood.

Mr. Conner presented the petition of sundry inhabitants of St. Clair county, praying the passage of a law authorizing William M'Caig to erect a toll-bridge over Canoe Creek, in said county; which was read and on motion referred to the committee on roads, bridges and ferries.

Mr. Bibb, from the committee on propositions and grievances to whom was referred a resolution of the senate instructing them to enquire into the expediency of retrenching the compensation allowed the officers of this state and the members of the general assembly reported, that it is inexpedient to retrench.

Ordered, that said report, lie on the table.

Mr. Hopkins, from the judiciary committee, to whom was referred a bill, to be entitled an act to authorize the administrator and administratrix of Robert Gillaspey, deceased, to sell certain lands therein named, reported the same without amendment.

On motion, *Ordered*, That said bill be engrossed, and made the order of the day for a third reading on to-morrow.

Mr. Hopkins, from said committee, to whom was referred a bill to be entitled an 'act to authorize Fathers to devise the custody and tuition of their infant children;' reported the same with sundry amendments which were concurred in.

Ordered, that said bill be engrossed and made the order of the day for a third reading on to-morrow.

Mr. Powell presented a communication from the Hon. Harry Toulmin notifying the general assembly of his having completed the digest of the laws of this state; which was read and ordered to lie on the table.

Mr. Bibb obtained leave to introduce a bill, to be entitled 'an act to alter the mode of drawing grand and petit jurors,' which was read the first time.

On motion, *Ordered*, that said bill be made the order of the day for a second reading on to-morrow.

Mr. Powell obtained leave to introduce a bill, to be entitled 'an act to prevent frivolous and vexatious law suits,' which was read the first time.

Ordered, that said bill be made the order of the day, for a second reading on to-morrow.

Mr. Armstrong obtained leave to introduce a bill, to be entitled 'an act for the government of the Port and Harbor of Mobile,' which was read the first time.

On motion, *Ordered*, that said bill be made the order of the day, for a second reading on Thursday next.

On motion, of Mr. Crabb the committee of the whole was discharged from the consideration of the bill to be entitled an act to establish a road from the House of John Gandie in Morgan county to Baltimore, in Blount county.

On motion, *Ordered*, that said bill be made the order of the day, for a third reading on to-morrow.

Mr. Armstrong obtained leave to introduce a bill to be entitled 'an act to alter the time of holding the general elections in this state,' which was read the first time.

On motion, *Ordered*, that said bill be made the order of the day for a second reading on to-morrow.

A bill from the House of Representatives, to be entitled 'an act to manumit certain slaves therein named;'

A bill, to be entitled 'an act to incorporate the Huntsville Fire Engine company,' and

A bill, to be entitled 'an act to authorize David Peobles, to continue a toll bridge erected over the Escambia Creek, in the county of Conecuh,' were severally read the first time.

On motion, *Ordered*, that said bills be made the order of the day, for a second reading on to-morrow.

A bill, to be entitled 'an act to authorize the administrator of Samuel Herberson, deceased, to sell a certain tract of land therein designated,' was read the second time.

On motion, *Ordered*, that said bill be engrossed and made the order of the day for a third reading on to-morrow.

A bill, to be entitled 'an act concerning damages,' was read the second time.

On motion, *Ordered*, that said bill be committed to the judiciary committee, to examine and report thereon.

On motion, ordered, that the bill to be entitled 'an act to give Jackson county an additional election precinct, be laid on the table.

A bill, to be entitled 'an act concerning intestate's estates,' was read the second time.

Ordered, that said bill be committed to the committee on the judiciary, to examine and report thereon.

A bill, to be entitled 'an act to authorize the granting of letters testamentary, without security in cases therein named,' which was read the second time.

On motion, ordered, that said bill be committed to the committee on the judiciary to examine and report thereon.

Message from the House of Representatives, by Mr. Morton, a member thereof.

Mr. President and Gentlemen of the Senate,

I am instructed by the House of Representatives to inform your honorable body, that they have adopted the following resolution: *Resolved by the Senate and House of Representatives*, that a joint committee be appointed to take into consideration the communication of the Hon. Harry Toulmin, on the subject of digesting the laws of the state of Alabama: in which they desire your concurrence.

They have also read a third time and passed bills originating in this House, of the following titles, to wit:

'An act divorcing Nathan Briley, from his wife Elizabeth Briley;'

'An act for the relief of John P. Hickman and Richard Ellis;'

'An act to establish a public road from Ditto's landing to Marston Mead's, in Blount county;'

'An act for the relief of purchasers of lots at the first sale, in the town of Cahawba; and

'An act to authorize Brice M. Garner, to build a certain toll bridge therein named.

In all of which, they desire your concurrence.

Mr. Moore, from the committee on enrolled bills, reported that said committee had examined the following acts, and found the same correctly enrolled, to wit:

'An act permanently to fix the seat of justice for the county of Blount;'
'An act authorizing Augustus Baudry to emancipate a certain slave therein named;'

'An act to change the name of, and legitimate a certain person therein named;' and

'An act to repeal in part an act supplementary to an act entitled an act to incorporate the city of Mobile passed the 17th December 1819;' which were accordingly signed by Mr. President.

A bill from the house of representatives, to be entitled 'an act for the relief of purchasers of lots, at the first sales, in the town of Cahawba;'

A bill, to be entitled 'an act to establish a public road from Ditto's landing to Marston Mead's in Blount county;'

A bill, to be entitled 'an act for the relief of John P. Hickman and Richard Ellis;'

A bill, to be entitled 'an act divorcing Nathan Briley, from his wife Elizabeth Briley;'

A bill, to be entitled 'an act to authorize Brice M. Garner to build a certain toll bridge therein named,' were severally read the first time. On motion, ordered that said bills be made the order of the day for a second reading on to-morrow.

On motion of Mr. Moore, the committee of the whole was discharged from the consideration of the resolution for the relief of Seaburn J. Whatley, late tax collector of Conecuh county.

Mr. M'Vay moved that the further consideration of said resolution be indefinitely postponed; and on the question being put, it was resolved in the affirmative.

The Senate according to order, resolved itself into a committee of the whole, on the bill to be entitled 'an act to amend an act, passed 4th March 1803, revised and amended February 10, 1807, Mr. Casey in the chair—' and after some time spent therein, the committee rose, and Mr. Casey reported the same with sundry amendments, which were not concurred in.

Mr. Bibb offered the following amendment to the first section of said bill: 'Provided, that the defendant shall be held to bail in double the amount in all cases;' which was adopted.

Mr. Moore offered the following amendment to the last section of said bill: 'Provided, that nothing in this act contained shall be so construed as to subject to the penalty herein before prescribed any person who may have furnished or given any spiritous or intoxicating liquors to any Indian without having received or the intention to receive any compensation therefor,' which was adopted.

On motion of Mr. Conner, ordered, that said bill be engrossed, and made the order of the day for a third reading on to-morrow.

On motion of Mr. Conner, the committee of the whole was discharged from the consideration of the bill to be entitled 'An act to incorporate the town of Ashville in the county of St. Clair.'

Ordered, That said bill be made the order of the day for a third reading on to-morrow.

On motion, the Senate adjourned till 3 o'clock.

Evening Session.

The senate met pursuant to adjournment.

On motion of Mr. Hopkins, the committee of the whole was discharged from the consideration of the bill to be entitled 'An act to authorize the administrator and administratrix of John Ellis, deceased, to sell and

convey certain real estate.' Ordered, that said bill be made the order of the day, for a third reading on to-morrow.

The Senate according to order, resolved itself into a committee of the whole, on the bill to be entitled 'An act to authorize the Governor of this state, to remit all or part of any forfeiture which has or may accrue to this state'—Mr. Bibb in the chair, and after some time spent therein, the committee rose, and Mr. Bibb reported the same without amendment. Ordered, that said bill be made the order of the day, for a third reading on to-morrow.

On motion, the committee of the whole was discharged from the consideration of the bill to be entitled 'An act authorizing the administrator of William Nelson, deceased, to sell and convey certain real estate. Ordered, that said bill be made the order of the day, for a third reading on to-morrow.

On motion of Mr. Hopkins, the committee of the whole, was discharged from the consideration of the bill to be entitled 'An act to divorce Robert Bransford from his wife Jane Bransford.' On motion, ordered that said bill be committed to the committee on divorce and alimony, to examine and report thereon.

A bill from the House of Representatives, to be entitled 'an act concerning millers,' was read the third time.

Mr. Sullivan offered the following amendment to said bill by way of rider: 'Provided, that all millers shall be compelled to keep a register of all bags, sacks, barrels, or boxes which may be marked, and come to any mill or mills which register shall be open at all times for any person or persons to inspect; and on the question being put on the adoption of said amendment, it was decided in the negative.

Mr. Wood offered the following amendment to said bill by way of rider: 'And be it further enacted. That millers shall be required to provide sealed measures by the first day of March next, and in case of their refusing or neglecting to comply with the above requisition, the owners of any mill or mills in this state, shall forfeit and pay thirty dollars, to be recovered before any justice of the peace, one half to the informer, and the other half to the use of the county: Provided the clerk of the county is able to furnish a standard measure.' On motion the rule which requires all amendments by way of rider to be read three several days was dispensed with, and said amendment was read three several times instant and adopted. The question was then put, Shall said bill pass? and decided in the negative.

Yeas 7

Nays 12.

The yeas and nays being desired, those who voted in the affirmative, are,

Mr. President
Bibb

Hopkins
M'Cann

Metcalf
Murphy

Wood—7

Those who voted in the negative, are,

Mr. Armstrong
Coney
Coats

Conner
Crabb
Devereux

M'Vay
Moore

Powell
Blackford

Smith
Sullivan—12

A bill from the House of Representatives, to be entitled 'an act to organize the counties of Covington and Pike,' was read the third time amended and passed. Ordered, That the secretary notify the House of Representatives thereof, and desire their concurrence in the amendment made thereto.

Mr. Bibb offered the following resolution:

'Resolved, That with the concurrence of the House of Representatives

lives, the members of the Senate assemble in the representative chamber on Thursday next, for the purpose of electing a member to the Senate of the United States, to fill the vacancy created by the resignation of the Hon. John W. Walker.' And on the question being put, it was decided in the negative.

Yeas 9

Nays 10.

The yeas & nays being desired, those who voted in the affirmative, are,
 Mr. President Bibb Hopkins M'Vay Wood—9.
 Armstrong Conner M'Camy Shackleford

Those who voted in the negative, are,
 Mr. Casey Crabb Metcalf Murphy Smith
 Coats Devereaux Moore Powell Sullivan—10

Mr. Wood offered the following resolution:

Resolved. That with the concurrence of the House of Representatives, the members of the Senate assemble in the representative chamber on Monday next, for the purpose of electing a member to the Senate of the United States, to fill the vacancy created by the resignation of the Hon. John W. Walker.'

Mr. Crabb moved to strike out the words 'Monday next,' in said resolution, and insert in lieu thereof, the words 'next Saturday week.'

And on the question being put, it was decided in the negative.

Yeas 7

Nays 12.

The yeas & nays being desired, those who voted in the affirmative, are,
 Mr. Casey Crabb Murphy Smith Sullivan—7.
 Coats Devereux

Those who voted in the negative, are,
 Mr. President Conner M'Vay Moore Shackleford
 Armstrong Hopkins Metcalf Powell Wood—12.
 Bibb M'Camy

Mr. Powell moved to strike out the words 'Monday next,' in said resolution; and on the question being put, it was resolved in the negative.

Mr. Casey moved to amend said resolution by inserting at the conclusion thereof the following: 'And also a senator to serve for six years in the Congress of the United States, in the place of William R. King, whose term of service expires on the 4th of March next;' and on the question being put on the adoption of said amendment, it was decided in the negative.

Mr. Powell moved to amend said resolution, by inserting the words 'at the hour of four o'clock P. M.' after the words 'Monday next;' and on the question being put, it was decided in the affirmative.

The question was then put on the adoption of said resolution as amended, and decided in the affirmative. *Ordered*, that the same be sent to the House of Representatives for their concurrence.

An engrossed resolution to repeal a resolution, allowing to the comptroller two hundred and fifty dollars in addition to his present salary, passed at the last session of the General Assembly, was read the third time and passed.

Ordered, that the title of said resolution be as aforesaid, and that the same be sent to the House of Representatives for their concurrence.

On motion, the Senate adjourned till to-morrow morning at 10 o'clock.

Wednesday, December 4, 1822.

The Senate met pursuant to adjournment.

Mr. Hopkins from the judiciary committee, to whom was referred a bill, to be entitled 'an act concerning inquiry of damages,' reported the same without amendment.

Ordered, That said bill be engrossed, and made the order of the day for a third reading on to-morrow.

Mr. Smith presented the petition of James Mixon; which was read, and,

On motion, referred to the committee on propositions and grievances.

Mr. Hopkins, from the judiciary committee to whom was referred a bill, to be entitled 'an act concerning intestates' estates,' reported the same without amendment.

Ordered, that said bill be engrossed, and made the order of the day for a third reading on to-morrow.

Mr. Hopkins from said committee, to whom was referred a bill, to be entitled 'an act to authorize the granting of letters testamentary without security in certain cases,' reported the same without amendment.

Ordered, that said bill be engrossed, and made the order of the day for a third reading on to-morrow.

Mr. Hopkins from said committee, to whom was referred a bill, to be entitled 'an act the better to secure debts on Writs of Error,' reported the same as amended, which was concurred in.

Ordered, that said bill be made the order of the day, for a third reading on to-morrow.

Mr. Bibb, from the committee on propositions and grievances, to whom was referred the petition of Abraham Pierce, reported, that the prayer of the petitioner is reasonable, and ought to be granted; which was concurred in.

Mr. Sullivan from the committee on Divorce and Alimony, to whom was referred a bill, to be entitled 'an act to divorce Robert Bransford from his wife Jane Bransford,' reported the same without amendment; which was concurred in.

Ordered, that said bill be made the order of the day for a third reading on to-morrow:

Mr. Hopkins obtained leave to introduce a bill, to be entitled 'an act to enforce the payment of monies collected by officers of courts;' which was read the first time.

On motion, ordered, that said bill be made the order of the day, for second reading on to-morrow.

Mr. Moore obtained leave to introduce a bill, to be entitled 'an act to prevent free negroes from selling spiritous liquors in this state;' which was read the first time.

On motion, ordered, that said bill be made the order of the day, for a second reading on to-morrow.

Mr. Murphy from the special committee to whom was referred the resolution of the senate, instructing them to inquire into the expediency of altering the constitution, so as to have but one meeting of the General Assembly in two years, leaving it to the Governor of the state to call a meeting, if he should deem it necessary to assemble oftener, reported, that they have had the same under consideration, and are of opinion that the imperfection of our general laws, and the necessary adjustment of our local interests, render it inexpedient, at present, to make any alteration.

Mr. M Vay moved, that the senate disagree to said report.

And on the question being put it was decided in the affirmative.

Yeas 11

Nays 8.

The yeas and nays being desired those who voted in the affirmative, are,

Mr. President
Conner
Crabb

Hopkins
McCamy
McVay

Metcalfe
Moore
Powell

Shackelford
Wood—11

Those who voted in the negative, are,

Mr. Armstrong
Bibb

Casey
Coats

Devereux
Murphy

Smith
Sullivan—8

On motion, ordered, that the judiciary committee be instructed to prepare and report a resolution having for its object, the alteration proposed.

Mr. Armstrong, from the special committee to whom was referred a resolution upon the subject of the public printing, reported a bill, to be entitled 'an act to provide for the printing of the laws and journals, and for other purposes;' which was read the first time.

Ordered, that said bill be made the order of the day, for a second reading on to-morrow.

Mr. Armstrong obtained leave to introduce a bill, to be entitled 'an act to alter and amend an act extending the jurisdiction of the county court of Mobile county, passed 17th December 1821;' which was read the first time. Ordered, that said bill be made the order of the day, for a second reading on to-morrow.

Mr. McCamy obtained leave to introduce a bill, to be entitled 'an act to exempt those from the payment of a state tax, who have not resided in the state twelve months,' which was read the first time. Ordered, that said bill be made the order of the day for a second reading on Saturday next.

A bill to be entitled 'an act to alter the mode of drawing grand and petit jurors;' and a bill, to be entitled 'an act to prevent frivolous and vexatious law suits,' were severally read the second time. Ordered, that said bills be committed to the committee on the Judiciary to examine and report thereon.

A bill to be entitled 'an act to alter the time of holding the general elections in this state,' was read the second time. On motion of Mr. Murphy, ordered, that said bill lie on the table.

A bill to be entitled 'an act to manumit certain slaves therein named;'

And a bill to be entitled 'an act to incorporate the Huntsville Fire Engine company;' were severally read the second time. Ordered, that said bills be made the order of the day for a third reading on to-morrow.

Mr. Moore obtained leave to introduce a resolution providing for the appointment of persons to examine the manuscript copy of the Digest of the laws of this state; which was read the first time.

On motion of Mr. Moore, the rules which requires all joint resolutions to be read on three several days was dispensed with, and said resolution was read the second time.

Mr. Powell moved to strike out all of said resolution after the words 'And be it further resolved,' and insert in lieu thereof, the following: 'that the persons so elected shall receive _____ dollars per day, for each day they may be thus actually employed;' and on the question being put, it was decided in the affirmative.

Mr. Murphy moved to amend said resolution, by the following: 'And also to report, whether the work be sufficiently correct to justify an immediate publication of it;' which was adopted.

On motion ordered that said resolution lie on the table.

A message from the House of Representatives by Mr. Dodson their clerk:
Mr. President and Gentlemen of the Senate:

I am instructed by the House of Representatives to inform your Hon-

ourable body, that they have read a third time and passed, a bill originating in your honourable body, entitled 'an act to prevent immoral and disorderly conduct at places of religious worship;' and have amended the same by striking therefrom in the second section, the words 'poor of the,' where they occur in these words, 'and the other half to the poor of the county;' in which amendment they desire your concurrence.

On motion, the senate adjourned till 3 o'clock, P. M.

3 o'clock, P. M.

The Senate met pursuant to adjournment.

Mr. John D. Bibb, a senator from Montgomery and Butler, obtained leave to spread his reasons upon the Journal for voting with the minority, who were on a resolution offered for that purpose opposed to altering the constitution, so as to admit of biennial instead of annual sessions of the legislature; which are as follow, to wit:

1. The local interests of the state are various, and but very few of them have been settled by the legislature. Our state is yet in her infancy, and cases necessarily requiring legislation are frequently arising, and much inconvenience and oppression would be felt throughout the state, if the public had not the opportunity of laying their grievances before the legislature, and request their interference at least once a year.
2. On the score of expense, nothing would be gained, for if the legislature meet only once in two years, their sessions would necessarily be as long as two sessions now are.
3. There is not more time now taken up in deliberating on the business coming before the Legislature, than is necessary for correctly and properly performing the duties required of members.
4. If any circumstance would tend to shorten the time which ought always to be allowed for doing business correctly, biennial sessions would produce that effect.
5. A change of the present system would subject the members to great inconvenience on account of the unusual length of time they would be absent from their families and private business.
6. Long sessions are not favourable to the active investigation of the business of the state; inasmuch, as the minds of the members would become wearied with the accumulation of the labour that would necessarily grow out of a biennial session.
7. An alteration of the constitution at this time is not desirable, for it has not been proved by the test of experience, and I am unwilling to make any amendments thereto, until we shall have discovered all its defective parts, then let there be a general revision.
8. The plan of amending the constitution by piece-meals, often subjects the community to great inconvenience on account of the difficulty of ascertaining, what the constitution really is. In some of the states the constitutions have been so frequently altered, and those alterations embodied in the acts of the Legislature, that before the constitution can be known, it is necessary to examine the different volumes of the acts passed for several years.
- 9 I am opposed to the amendment in this particular, because there would arise an imperious necessity for correspondent amendments affecting materially the vitals of the constitution.

JOHN D. BIBB.

On motion of Mr. Armstrong, the Senate concurred in the amendments made by the House of Representatives to the bill, to be entitled 'an act to prevent immoral and disorderly conduct at places of religious worship.'

A bill from the House of Representatives, to be entitled 'an act to authorize David Peobles to continue a toll bridge erected over the Escambia creek in the county of Conecuh,' was read the second time.

On motion, ordered, that said bill be committed to the committee on roads, bridges and ferries, to examine and report thereon.

A message was received from the House of Representatives, by Mr. Dodson, their clerk, informing the Senate, that they had read the third time and passed a bill, to be entitled 'an act for the relief of the Huntsville Bank,' in which they desire the concurrence of the Senate.

A bill to be entitled 'an act for the relief of purchasers of lots at the first sale in the town of Cahawba,' was read the second time.

Ordered, that said bill be made the order of the day for a third reading on to-morrow.

On motion ordered, that Mr. Devereux be added to the committee on roads, bridges and ferries.

A bill from the House of Representatives, to be entitled 'an act for the relief of the Huntsville Bank,' was read the first time.

Ordered, that said bill be made the order of the day for a second reading on to-morrow.

A bill to be entitled 'an act to establish a public road from Ditto's landing to Marston Mead's in Blount county,' was read the second time.

Ordered, that said bill be committed to the committee on roads bridges and ferries, to examine and report thereon.

A Message from the House of Representatives by Mr. Dodson, their clerk. Mr. President and Gentlemen of the Senate:

I am instructed by the House of Representatives to inform your honorable body, that they have read the third time and passed.

'An act to amend an act to appoint Commissioners to lay out certain specified roads, and for other purposes;'

'An act concerning the Judges of the County courts;' which originated in this House, and in which they desire your concurrence.

A bill to be entitled 'an act for the relief of John P. Hickman and Richard Ellis,' was read a second time.

On motion Ordered, that said bill be committed to the committee on the Judiciary to examine and report thereon.

A bill to be entitled 'an act to divorce Nathan Briley from his wife Elizabeth Briley,' was read the second time.

Ordered that said bill be made the order of the day for a third reading on to-morrow.

A bill from the House of Representatives, to be entitled 'an act concerning the Judges of the county courts;' and A bill to be entitled 'an act to amend an act to appoint commissioners to lay out certain specified roads, and for other purposes;' were read the first time. Ordered, that said bills be made the order of the day, for a second reading on to-morrow.

A bill to be entitled 'an act to authorize Brice M. Garner to build a certain toll bridge therein named,' was read the second time. On motion Ordered, that said bill be referred to the committee on Roads, Bridges and Ferries to examine and report thereon.

On motion of Mr. Metcalf, Ordered, that Mr. Conner be added to the committee on Roads, Bridges and Ferries.

A bill from the House of Representatives, to be entitled 'An act to suppress the evil practice of fire hunting,' was read the third time.

Mr. Devereux offered the following amendment to said bill, by way of

rider: *Provided also*, that this act shall not be in force in the counties of Conecuh, Covington, Henry and Pike; and *Provided*, that the laws on the subject of fire hunting shall continue to operate in said counties; which was rejected. The question was then put, shall this bill pass? and decided in the negative. Yeas 8. Nays 9. The yeas and nays being desired, those who voted in the affirmative, are,

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|----------------|---------|----------|-----------|-----------|
| Mr. President, | Casey, | M'Vay, | Smith, | Wood.--9. |
| Bibb, | M'Camy, | Metcalf, | Sullivan, | |

Those who voted in the negative are,

| | | | | |
|----------------|---------|------------|---------|------------------|
| Mr. Armstrong, | Conner, | Devereaux, | Moore, | Shackelford.--9. |
| Coats, | Crabb, | Hopkins, | Powell, | |

A bill to be entitled 'An act to incorporate the town of Ashville, in the county of St. Clair,' was read the third time, and on the question, shall this bill pass? it was decided in the affirmative. Yeas 17. Nays 1. The yeas and nays being desired, those who voted in the affirmative are,

| | | | | |
|----------------|------------|----------|--------------|-----------------|
| Mr. President, | Coats, | Hopkins, | Moore, | Wood.--17. |
| Armstrong, | Conner, | M'Camy, | Powell, | |
| Bibb, | Crabb, | M'Vay, | Shackelford, | Mr Sullivan, in |
| Casey, | Devereaux, | Metcalf, | Smith, | the negative. |

Ordered, That said bill be returned to the House of Representatives, from whence it came.

A bill from the House of Representatives to be entitled 'an act to authorize the administrators of William Nelson, deceased, to sell and convey certain real estate,' was read the third time.

Mr. Casey offered the following amendment to said bill, by way of *rider*: 'Provided, that said administrators shall give thirty days notice in two or more public places of the time of sale.' On motion, the rule which requires all amendments by way of *rider* to be read on three several days, was dispensed with: and said *rider* was read three several times and adopted. Said bill was then passed as amended. *Ordered*, that the Secretary notify the House of Representatives thereof, and desire their concurrence in the amendment made thereto.

A bill from the House of Representatives, to be entitled 'an act to authorize the Governor of this state to remit all or part of any forfeiture, which has or may hereafter accrue to this state,' was read the third time and passed.

Ordered, That the House of Representatives be informed thereof.

A bill from the House of Representatives, to be entitled 'an act to authorize the administrator and administratrix of John Ellis, deceased, to sell and convey certain real estate,' was read the third time.

Mr. Casey offered the following amendment to said bill by way of *rider*: 'Provided, that at least thirty days notice shall be given of the time of said sale, in two or more public places;' which was read three several times and adopted. Said bill was then passed as amended.

Ordered, That the Secretary inform the House of Representatives thereof, and desire their concurrence in the amendment made thereto.

The further orders of the day were postponed until to-morrow.

On motion the Senate adjourned till to morrow morning 10 o'clock.

Thursday, 5th December, 1822.

The Senate met pursuant to adjournment.

Mr. Crabb presented the petition of Neal Patterson, praying to be remunerated for expenses incurred in pursuing and apprehending a person charged with murder, and in attending court as a witness on the part of the state; which was read and referred to the committee on propositions and grievances.

Mr. Conner moved to reconsider the vote of the Senate on the passage of the bill, to be entitled 'an act to suppress the evil practice of fire-hunting;' and on the question being put, it was resolved in the affirmative. The question was then put, shall said bill pass? and decided in the affirmative.

Ordered, That the House of Representatives be informed thereof.

On motion of Mr. Casey, the following resolution was adopted: 'Resolved, that the committee on roads, bridges and ferries, inquire into the expediency of causing a road to be marked out from Line creek, to Coffeeville in Clarke county.'

An engrossed bill, to be entitled 'an act to authorize Fathers to devise the custody and tuition of their infant children,' was read the third time.

Mr. Bibb offered the following amendment to said bill, by way of rider: 'Provided, that nothing herein contained shall authorize fathers to devise the guardianship of such children as are, or may be hereafter legitimated by the General Assembly;' which was rejected.

Mr. Wood offered the following amendment to said bill, by way of rider: 'Provided, that provisions in this act shall not be carried into effect except such cases where the Judge of the county court deems it necessary for the benefit of orphan children, by the consent of the mother, or such other circumstances as may make it indispensably necessary for the benefit of orphan children;' which was rejected. The question was then put, shall said bill pass? and decided in the affirmative.

Yeas 11

Nays 7.

The yeas and nays being desired, those who voted in the affirmative, are,

| | | | | |
|---------------|-------|----------|--------|-------------|
| Mr. President | Casey | Devereux | Moore | Shackleford |
| Armstrong | Crabb | Hopkins | Powell | Smith--11 |
| Bibb | | | | |

Those who voted in the negative, are,

| | | | | |
|-----------|--------|---------|----------|----------|
| Mr. Coats | M'Camy | Metcalf | Sullivan | Wood--7. |
| Conner | M'Vay | | | |

Ordered, That the title of said bill be 'an act to authorize fathers to devise the custody and tuition of their infant children;' and that the same be sent to the House of Representatives for their concurrence.

Mr. Powell, from the special committee, to whom was referred the petition of George Cox, administrator of Benjamin Cox, deceased, reported a bill to be entitled 'an act to authorize George Cox, administrator of Benjamin Cox, deceased, to sell and transfer certain real estate;' which was read the first time. On motion, the rule which requires all bills to be read on three several days was dispensed with, and said bill was read the second time.

Mr. Casey offered the following amendment to said bill: 'Provided, that twenty days notice shall be given in the newspaper published in the town of Tuskaloosa previous to the sale;' which was adopted. Ordered, that said bill be engrossed and made the order of the day, for a third reading on to-morrow.

Mr. Shackleford offered the following resolution: 'Resolved, that the committee on roads, bridges and ferries, be instructed to inquire into the expediency of authorizing a review of a road leading from the wagon ford on Line creek in Montgomery county, to the town of Tuskaloosa;' which was adopted.

Mr. Powell offered the following resolution. 'Resolved, that the judiciary committee be instructed to examine into the propriety of providing

by law a more effectual remedy for the collection and security of county dues,' which was adopted.

An engrossed bill, to be entitled 'an act in relation to the estate of James White, deceased,' was read the third time and passed. *Ordered*, that the title of said bill be 'an act in relation to the estate of James White, deceased;' and that the same be sent to the House of Representatives for their concurrence.

An engrossed bill, to be entitled 'an act regulating sheriffs sales,' was read the third time, and on the question, shall said bill pass? it was decided in the negative.

An engrossed bill, to be entitled 'an act to authorize Mary Jones administratrix of Thomas A. Jones, deceased, to sell and convey certain real estate,' was read a third time and passed.

Ordered, That the title of said bill be 'an act to authorize Mary Jones, administratrix of Thomas A. Jones, deceased, to sell and convey certain real estate;' and that the same be sent to the House of Representatives for their concurrence.

On motion of Mr. Powell, ordered that the bill to be entitled 'an act to amend an act, passed Dec. 17th, 1821,' lie on the table.

Mr. Moore called up the resolutions providing for the appointment of persons to examine the manuscript copy of the Digest of the laws of this state. On motion, *Ordered*, That said resolution be engrossed and made the order of the day, for a third reading this evening.

On motion of Mr. Casey, the bill, to be entitled 'an act in relation to election precincts,' was taken up.

Mr. Devereux offered the following amendment to said bill:

Be it further enacted, That the following election precincts be established for the county of Conecuh, to wit: one at the house of George Constantine; one at Brooklyn; and one at Rabb's store; and that the precincts heretofore established at the house of James Caldwell, and at the house of William Blackshire be, and the same are hereby discontinued; which was adopted.

Mr. Coats offered the following amendment to said bill:

Be it further enacted, That there be an election precinct, in addition to those already established, at the house of Alexander M'Leod, in Marengo county; which was adopted.

Mr. Powell offered the following amendment to said bill:

And be it further enacted, That the following additional election precincts shall be established, in the county of Tuscaloosa, viz: one at the house of capt. Manley Fife, on North river; and one at the mill of James Foster, Esq. on Grant's creek; which was adopted.

Mr. Bibb offered the following amendment to said bill:

And be it further enacted, That the election precincts heretofore established at the house of James Sparks, and ——— Johnson's in Montgomery county, be, and the same are hereby discontinued; and that an election precinct be established at Steele's store; and one at the house of William Graves, in the neighborhood of said Johnson, in said county; which was adopted.

Mr. Armstrong offered the following amendment to said bill:

And be it further enacted, That an additional precinct be established at the house of Traverse George in Mobile county; which was adopted.

Mr. Shackelford offered the following amendment to said bill:

And be it further enacted, That in addition to the election precinct

already established in the county of Shelby, one shall be established at Harpersville, at the house of John Kidd; which was adopted.
Ordered. That said bill be engrossed and made the order of the day for a third reading on to-morrow.
 On motion the senate adjourned 'till 3 o'clock P. M.

3 o'clock, P. M.

The Senate met pursuant to adjournment:

Mr. President laid before the Senate, a communication from the comptroller of public accounts; which was read and is as follows:

Comptroller's Office, December 5, 1822.

SIR—In obedience to a resolution of the Senate, requiring the comptroller of public accounts to lay before that house 'a consolidated return of the objects of taxation in this state for the year past, with a return of the amount derived from each object, in each county,' I have the honor to lay before you the enclosed paper marked A.

From the numerous errors contained in many of the tax lists, it is impossible the return thus made should be entirely correct, but I trust it will be found sufficiently so, to meet the object of the resolution.

I am respectfully, your most ob't servant,

SAMUEL PICKENS.

The Hon. NICHOLAS DAVIS, *President of the Senate.*

On motion of Mr. Armstrong, ordered, that one hundred copies of said report be printed for the use of the Senate.

Engrossed resolutions providing for the appointment of persons to examine the manuscript copy of the Digest of the laws of this state, were read the third time.

Mr. Moore offered the following amendment to said resolution by way of rider: *Provided* no compensation shall be allowed the persons so appointed or elected, unless they complete said examination and make a report thereof to the General Assembly within fifteen days; from and after the adoption of the foregoing resolutions; which was read three several times and adopted.

Mr. Armstrong moved to fill the blank in said resolution, where it reads thus: 'that the persons so elected shall receive each — dollars per day' with the words 'seven dollars;' and on the question being put, it was resolved in the negative.

Mr. Moore moved to fill said blank with the words 'five dollars;'
 And on the question being put, it was resolved in the affirmative.

Yeas 9

Nays 7.

The yeas & nays being desired, those who voted in the affirmative, are,

| | | | | |
|---------------|---------|---------|--------|---------------|
| Mr. Armstrong | Conner | M'Camy | Moore | Shackleford—9 |
| Bibb | Hopkins | Metcalf | Powell | |

Those who voted in the negative, are,

| | | | |
|---------------|----------|-------|------------|
| Mr. President | Coats | M'Vay | Sullivan—7 |
| Casey | Devereux | Smith | |

Mr. Casey offered the following amendment to said resolutions by way of rider: '*Provided*, that the persons so elected shall be selected from the members of the General Assembly.'

Mr. Moore moved to amend said amendment by inserting the word "not" after the word "shall" in said amendment;

And on the question being put, it was decided in the affirmative.

Yeas 13

Nays 4.

The yeas & nays being desired, those who voted in the affirmative, are,

Mr. President
Armstrong
Bibb

Conner
Crabb
Hopkins

M'Camy
M'Vay
Metcalf

Moore
Powell
Shackleford

Sullivan—13.

Those who voted in the negative, are,

Mr. Coats

Casey

Devereux

Smith—4

Mr. Casey moved to amend said amendment by the following after the words 'members of the General Assembly' and shall receive no pay therefor;

And on the question being put, it was decided in the negative.

Yeas 4

Nays 13.

The yeas & nays being desired, those who voted in the affirmative, are,

Mr. Casey

Coats

Devereux

Smith—4

Those who voted in the negative, are,

Mr. President
Armstrong
Bibb

Conner
Crabb
Hopkins

M'Camy
M'Vay
Metcalf

Moore
Powell
Shackleford

Sullivan—13.

The question was then put, on the adoption of said amendment, as amended, and decided in the affirmative.

Yeas 13

Nays 4

The yeas and nays being desired, those who voted in the affirmative, are.

Mr. President
Armstrong
Bibb

Conner
Crabb
Hopkins

M'Camy
M'Vay
Metcalf

Moore
Powell
Shackleford

Sullivan—13.

Those who voted in the negative, are,

Mr. Casey

Coats

Mr. Devereux

Smith—4

The question was then put, shall said resolutions pass? and decided in the affirmative.

Yeas 8

Nays 8

The yeas & nays being desired, those who voted in the affirmative, are,

Mr. Armstrong
Bibb

Conner
Crabb

Hopkins
M'Camy

Metcalf
Moore

Shackleford—8.

Those who voted in the negative, are,

Mr. President
Casey

Coats
Devereux

M'Vay
Powell

Smith
Sullivan—8.

Ordered, That the title of said resolutions be as aforesaid, and that the same be sent to the House of Representatives for their concurrence.

An engrossed bill, to be entitled 'an act to continue in force and amend an act entitled an act to repeal in part and amend an act entitled an act to regulate the proceedings in the courts of Law and Equity in this state, and for other purposes therein mentioned;' was, on motion of Mr. Casey, ordered to lie on the table.

An engrossed bill to be entitled 'an act to establish a public road from the house of John Gandie in Morgan county, to Baltimore in Blount county,' was read the third time.

On motion of Mr. Armstrong, the first blank in said bill, where it reads thus; 'for every four wheel carriage cents' was filled with 'seventy-five cents.'

On motion of Mr. Crabb, the second blank in said bill was filled with 'fifty cents,' the third with 'twelve and a half cents,' the fourth with 'six and a fourth cents,' the fifth with 'three cents,' the sixth with 'two cents,' and the blank in the last section of said bill, with 'twelve years.' Said bill was then passed.

Ordered, that the same be sent to the House of Representatives for their concurrence.

An engrossed bill to be entitled "an act to authorize the administrator of Samuel Herberson, deceased, to sell a certain tract of land therein designated" was read the third time and passed.

Ordered, that the title of said bill be 'an act, &c.' and that the same be sent to the House of Representatives for their concurrence.

An engrossed bill, to be entitled 'an act to authorize the administrator and administratrix of Robert Gillaspey, deceased, to sell certain lands therein named,' was read the third time and passed.

Ordered, that the title of said bill be as aforesaid, and that the same be sent to House of Representatives for their concurrence.

The further orders of the day were postponed till to-morrow.

On motion, the Senate adjourned until to-morrow morning 10 o'clock.
Friday, December 6.

The senate met pursuant to adjournment.

Mr. Hopkins, from the judiciary committee to whom was referred a bill, to be entitled 'An act for the relief of John P. Hickman and Richard Ellis,' reported the same without amendment.

Ordered, that said bill be made the order of the day for a third reading on tomorrow.

Mr. Hopkins, from said committee, to whom was referred a bill to be entitled 'an act to prevent frivolous and vexatious law suits,' reported the same with amendments, which were concurred in.

Ordered, that said bill be engrossed and made the order of the day for a third reading on to-morrow.

Mr. Bibb, from the committee on propositions and grievances, to whom was referred the bill for the relief of John Boyce, reported, that the relief contemplated by said bill is unreasonable and ought not to be granted. On motion of Mr. Sullivan, ordered, that said report, lie on the table.

Mr. Bibb, from the said committee, to whom was referred the petition of James Mixon, reported, that the claim of the petitioner is not supported by such evidence as would authorize them to extend to him the relief prayed for.

On motion of Mr. Smith, the Senate disagreed to said report.

Ordered, that said committee prepare and report a bill for the relief of the said James Mixon.

An engrossed bill, to be entitled 'an act to amend an act passed 4th March, 1803, revised and amended 10th February, 1807,' was read the third time; and on the question being put, shall said bill pass? it was decided in the negative. Yeas 9—Nays 9.

The yeas & nays being desired, those who voted in the affirmative, are,
Mr. President Bibb Crabb Hopkins Sullivan—9.
Armstrong Casey Devereux Smith

Those who voted in the negative, are,
Mr Coats M'Camy Metcalf Powell Wood—9.
Conner M'Vay Moore Shackelford

An engrossed bill, to be entitled 'an act concerning inquiry of damages,' was read the third time and passed. Ordered, that the title of said bill be "an act concerning enquiry of damages;" and that the same be sent to the House of Representatives for their concurrence.

An engrossed bill, to be entitled 'an act concerning intestates estates,' was read the third time and passed. Ordered, that the title of said bill be changed from that of 'a bill' to that of 'an act, &c.' and that the same be sent to the House of Representatives for their concurrence.

An engrossed bill, to be entitled 'an act to authorize the granting of letters testamentary, without security in cases therein named,' was read the third time and passed.

Ordered, that the words 'a bill to be entitled' be stricken out of the

caption of said bill, and that the same be sent to the House of Representatives for their concurrence.

A bill to be entitled 'an act for the government of the port and harbor of Mobile,' was read the second time.

Ordered, that said bill be engrossed and made the order of the day, for a third reading on Monday next.

A bill, to be entitled 'an act for the payment of moneys collected by officers of courts,' was read the second time.

On motion, *ordered*, that said bill be committed to the committee on the judiciary, to examine and report thereon.

A Message from the House of Representatives by Mr. Fitz, a member thereof:

Mr. President and Gentlemen of the Senate,

I am instructed by the House of Representatives to inform to your honourable body, that they have read a third time & passed a bill originating in this House, entitled 'an act to vest in Samuel B. Shields, his heirs and assigns, the exclusive right to a ferry on the Tombeckbe river, in the county of Clarke, at or near the town of Jackson in said county,' in which they desire your concurrence. Said bill was read the first time.

Mr. M'Vay moved, that the further consideration of said bill be indefinitely postponed; and on the question being put, it was decided in the negative.

Mr. Armstrong moved, that a message be sent to the House of Representatives, informing them, that in consequence of the erasures and interlineations made in the section of the said bill, the Senate is unable to ascertain whether it proposes to vest in the said S. B. Shields, his heirs and assigns, the exclusive right to a ferry for five, or twenty years; and that said bill be returned to the House of Representatives with said message. And on the question being put, it was decided in the affirmative.

Yeas 10

Nays 8.

The yeas & nays being desired, those who voted in the affirmative, are,

| | | | | |
|---------------|--------|---------|-------------|--------------|
| Mr. President | Ebb | Hopkins | Metcalf | Smith |
| Armstrong | Conner | M'Camy | Shackleford | Sullivan—10. |

Those who voted in the negative, are,

| | | | |
|-----------|----------|-------|---------|
| Mr. Casey | Crabb | M'Vay | Powell |
| Coats | Devereux | Moore | Wood—8. |

A message was sent accordingly.

A Message from the House of Representatives, by Mr. Morton, a member thereof.

Mr. President and Gentlemen of the Senate,

I am instructed by the House of Representatives to inform your honorable body, that they concur in the amendments made by your honourable body to the bill, entitled, 'an act to organize the counties of Covington and Pike.' They have also read a third time and passed, a bill originating in this house, entitled 'an act to exempt the citizens of the town of Selma from working on roads beyond the limits of said town.' In which they desire your concurrence. They concur in the amendments made by the Senate to the bill, entitled 'an act for the relief of Henry Stokes, and others.'

Mr. M'Vay presented the memorial of William Wingate; which was read. On motion, *ordered* that said memorial be referred to the committee on privileges & elections, together with the accompanying documents.

On the application of Mr. Murphy, he was excused from further service on the committee of privileges and elections.

On motion of Mr. Moore, ordered, that Mr. Powell be added to the committee on privileges and elections.

A bill, to be entitled 'an act to prevent free negroes from retailing spiritous liquors;'

A bill, to be entitled 'an act to amend an act, entitled an act to lay out certain roads therein specified, and for other purposes;,' and

A bill, to be entitled 'an act concerning the Judges of the county courts,' were severally read the second time.

On motion, Ordered, that said bills be made the order of the day for a third reading on to-morrow.

A bill, to be entitled 'an act to exempt the citizens of the town of Selma from working on roads beyond the limits of said town, was read the first time.

On motion, Ordered, That said bill be made the order of the day for a second reading on to-morrow.

A message from the House of Representatives, by Mr. Mead a member thereof:

Mr. President and Gentlemen of the Senate,

I am instructed by the House of Representatives to inform your honorable body, that they have adopted the following resolution: *Resolved*, that a select committee of five members be appointed by this House, to act with a committee which may be appointed on the part of the Senate, to examine the manuscript copy of the Digest of our statutes compiled by the Hon: Harry Toulmin, and to report the same to this house, with such amendments as they may deem proper.

A bill, to be entitled 'an act for the relief of the Huntsville Bank,' was read the second time.

On motion, ordered, that said bill be referred to the judiciary committee to examine and report thereon.

A bill, to be entitled 'an act to provide for printing the laws and journals, and for other purposes,' was read the second time.

Ordered, that said bill be engrossed, and made the order of the day for a third reading on to-morrow.

A bill from the House of Representatives to be entitled 'an act to divorce Robert Bransford from his wife Jane Bransford,' was read the third time and passed by a constitutional majority.

Yeas 14

Nays 5.

The yeas & nays being required, those who voted in the affirmative, are;

| | | | | |
|---------------|--------|---------|--------|----------|
| Mr. President | Coats | Hopkins | Moore | Sullivan |
| Armstrong | Conner | McCamy | Powell | Wood—14. |
| Cazey | Crabb | McVay | Smith | |

Those who voted in the negative, are,

| | | | | |
|----------|----------|---------|--------|---------------|
| Mr. Bibb | Devereux | Metcalf | Murphy | Shackleford—5 |
|----------|----------|---------|--------|---------------|

Ordered, that the House of Representatives be informed thereof.

On motion of Mr. Armstrong, the senate concurred in the resolution of the House of Representatives appointing a committee on their part, to act with such committee as may be appointed on the part of the senate, to examine the manuscript copy of the digest of our statutes, compiled by the Honorable Harry Toulmin: Messrs. Hopkins, Murphy and Sullivan, were appointed a committee on the part of the Senate.

Ordered, that the secretary inform the House of Representatives thereof.

Mr. Crabb offered the following resolution: *Resolved*, that the judiciary committee be instructed to enquire into the expediency of provid-

ing by law, for the payment of state witnesses in certain cases; which was adopted.

A bill from the House of Representatives, to be entitled 'an act to manumit certain slaves therein named,' was read the third time.?

Mr. Bibb offered an amendment to said bill, by way of rider, which was read three several times and adopted.

Said bill was then passed as amended.

Ordered, that the secretary notify the House of Representatives thereof, and request their concurrence in the amendment made thereto.

On motion the senate adjourned till 3 o'clock.

Evening—3 o'clock.

The Senate met pursuant to adjournment.

An engrossed bill, to be entitled 'an act authorizing George Cox, administrator of Benjamin Cox, deceased, to sell and transfer certain real estate,' was read the third time and passed.

Ordered, that the title of said bill be as aforesaid, and that the same be sent to the House of Representatives for their concurrence.

A bill from the House of Representatives, to be entitled 'an act to incorporate the Huntsville fire engine company;' and a bill to be entitled,

'An act for the relief of purchasers of lots at the first sale, in the town of Cahawba;' were read the third time and passed.

Ordered, that the House of Representatives be informed thereof.

A message from the House of Representatives, by Mr. Dodson their clerk.

Mr. President and Gentlemen of the Senate,

I am instructed by the House of Representatives, to inform your honorable body, that they concur in the amendments made by your body to the bill, entitled

'An act to authorize the administrators of John Ellis, deceased, to sell and convey certain real estate.'

They also, concur in the amendments made by your Honorable body to the bill, entitled

'An act to incorporate the town of Ashville, in the county of St. Clair.'

They have also, adopted the following resolution: *Resolved*, that the committee on enrolled bills appointed on the part of this House, be a joint committee with the committee on enrolled bills appointed on the part of the senate; and that the senate be acquainted therewith.

They have also read the third time and passed a bill, entitled 'an act to vest in S. B. Shields his heirs and assigns, the exclusive right to a ferry on the Tombeckbe river, in the county of Clarke, at or near the town of Jackson in said county.' In which they desire your concurrence.

The said last mentioned bill, was read the first time.

Ordered, that the same be made the order of the day, for a second reading on to-morrow.

A bill from the House of Representatives, to be entitled 'an act divorcing Nathan Briley from his wife Elizabeth Briley,' was laid on the table.

On motion of Mr. Casey, the committee of the whole was discharged from the consideration of the bill, to be entitled 'an act to exempt preachers of the Gospel from the payment of ferriage in certain cases.'

Ordered, that said bill be engrossed for a third reading on tomorrow.

A bill to be entitled 'an act to amend an act, entitled an act extending the jurisdiction of the County Court of Mobile county, passed 17th Dec. 1821,' was read the second time.

Mr. Sullivan moved to strike out all

the first section of said bill which relates to the giving of the County Court of Mobile County jurisdiction of the offences of grand and petit larceny; and on the question being put, it was resolved in the negative. *Ordered*, that said bill be engrossed and made the order of the day for a third reading on tomorrow.

A bill to be entitled 'an act in relation to election precincts,' was read the third time. Mr. M'Camy offered an amendment to said bill, by way of rider, providing for the discontinuance of one, and the establishment of another election precinct in the counties of Jackson and Decatur, which was read three several times and adopted. Mr. Conner offered an amendment to said bill, by way of rider, providing for an additional election precinct in St. Clair county; which was read three several times and adopted. Mr. Metcalf offered an amendment to said bill, by way of rider, providing for two additional election precincts in Marion county, which was read three several times and adopted. Said bill was then passed as amended. *Ordered*, that the title of said bill, be 'an act to establish election precincts in the counties therein named,' and that the same be sent to the House of Representatives for their concurrence.

A message was received from the House of Representatives, by Mr. Dodson, their clerk, informing the Senate that they concur in the amendment made by the Senate to the bill, to be entitled 'an act to authorize the administrators of William Nelson, deceased, to sell and convey certain real estate.'

On motion the Senate adjourned till tomorrow morning, 10 o'clock.

Saturday, December 7, 1822.

The Senate met pursuant to adjournment.

Mr. Bibb, from the committee on propositions and grievances, reported a bill to be entitled 'an act for the relief of James Nixon,' which was read the first time. *Ordered*, that said bill be made the order of the day for a second reading on Monday next.

Mr. Bibb, from said committee, to whom was referred the petition of Nicholas Pope, reported a bill to be entitled 'an act to authorize Nicholas Pope to emancipate a certain slave therein named,' which was read the first time. *Ordered*, that said bill be made the order of the day for a second reading on Monday next.

Mr. M'Camy offered the following resolution: *Resolved*, that the military committee be instructed to inquire into the expediency of forming a new Brigade in the State of Alabama, to consist of Jackson and Decatur counties; and if expedient to report by bill, which was adopted.

Mr. Moore offered the following resolution: *Resolved*, that the committee of enrolled bills, appointed on the part of this House, be a joint committee to act with such committee as may be appointed on the part of the House of Representatives, which was adopted.

Mr. Bibb offered the following resolution: *Resolved*, that with the concurrence of the House of Representatives, the General Assembly of this state will adjourn on Saturday the 21st instant *sine die*.

Mr. Casey moved, that said resolution lie on the table, which was decided in the negative. Yeas 6—Nays 12.

The yeas & nays being desired, those who voted in the affirmative, are,

| | | |
|----------------|--------|----------------|
| Mr. Armstrong, | Coste, | M'Camy, |
| Casey, | Crabb, | Shackelford—6. |

Those who voted in the negative, are,

| | | | |
|----------------|------------|----------|-----------|
| Mr. President, | Devereaux, | Metcalf, | Smith, |
| Bibb, | Hopkins, | Moore, | Sullivan, |
| Conner, | M'Vay, | Murphy, | Wood—12. |

Mr. Conner moved to amend said Resolution by the following proviso: 'Provided, we get through all the business important to the state, by that time;' which was decided in the negative.

Mr. Hopkins moved to amend said Resolution, by striking out the words 'Saturday the 21st' and inserting 'Tuesday the 24th;' which was decided in the negative.

Mr. Armstrong moved to strike out all of said Resolution after the word 'Resolved,' and insert the following 'that no new business of a private nature, shall be received by either branch of this Legislature, after the 18th instant;' which was decided in the negative.

The question was then put on the adoption of said Resolution, and decided in the affirmative. Yeas 13. Nays 6.

The yeas & nays being desired, those who voted in the affirmative, are,

| | | | | |
|---------------|----------|---------|----------|----------|
| Mr. President | Devereux | Metcalf | Powell | Wood—13. |
| Bibb | Hopkins | Moore | Smith | |
| Crabb | M'Kay | Murphy | Sullivan | |

Those who voted in the negative, are,

| | | |
|-----------|--------|-----------------|
| Armstrong | Coats | M'Caney |
| Carey | Conner | Shackelford.—6. |

Ordered, that the same be sent to the House of Representatives for their concurrence.

A message from the House of Representatives, by Mr. Gayle, a member thereof Mr. President and Gentlemen of the Senate, I am instructed by the House of Representatives to inform your honorable body, that they have adopted the Resolution of your house, proposing to go into the election, on Monday next, at four o'clock P. M., of a member of the Senate of the United States to fill the vacancy occasioned by the resignation of the Hon. J. W. Walker, and have amended the same by striking therefrom the word 'Monday' and inserting in the lieu thereof, the word 'Thursday;' and also by adding the following: 'And also, for the purpose of electing a Senator to Congress for the ensuing six years after the 4th day of March next;' in which amendments they desire your concurrence.

Mr. Sullivan moved, that the Senate concur in the amendments made by the House of Representatives to said resolution; and on the question being put, it was resolved in the affirmative. Ordered, that the secretary inform the House of Representatives thereof.

An engrossed bill, to be entitled 'an act to continue in force and amend an act, entitled an act to repeal in part and amend an act, entitled an act to regulate the proceedings in the courts of law and equity in this state;' was read the third time.

Mr. Powell offered the following amendment to said bill by way of rider: 'Be it further enacted, That in all cases of appeals where the plaintiff, or person appealing shall not recover judgment for a greater sum than was by the justice trying the same, adjudged, then, and in that case the plaintiff or person appealing, shall pay all costs consequent on such appeal: Provided however, that this section is intended only to apply to appeals taken up by the successful party;' which was read three several times and adopted.

The question was then put on the passage of said bill, and decided in the affirmative. Yeas 15—Nays 4.

The yeas & nays being desired, those who voted in the affirmative, are,

| | | | | |
|---------------|--------|---------|---------|-------------|
| Mr. President | Carey | Crabb | Metcalf | Shackelford |
| Armstrong | Coats | Hopkins | Murphy | Sullivan |
| Bibb | Conner | M'Caney | Powell | Wood—15. |

Those who voted in the negative, are,

Mr. Devereux M' May Moore Smith—4.

Ordered, That the words 'engrossed bill to be entitled,' be stricken out of the caption of said bill, and that the same be sent to the House of Representatives for their concurrence.

Message from the Governor, by J. J. Pleasants, Esquire, Secretary of State.

Mr. President—The Governor did on the 5th inst. approve and sign, 'An act to authorize Augustus Baudry to emancipate a certain slave therein named;'

'An act to change the name of, and legitimate a certain person therein named; and'

'An act to repeal in part, an act supplementary to an act entitled an act, to incorporate the city of Mobile, passed 17th December, 1819'—all of which originated in the Senate.

A bill, to be entitled 'an act to vest in S. B. Shields, his heirs and assigns, the exclusive right to a Ferry on the Tombeckbe river, in the county of Clarke, at, or near the town of Jackson in said county,' was read the second time. *Ordered*, that said bill be committed to the committee on roads, bridges and ferries to examine and report thereon.

A bill, to be entitled 'an act to exempt the citizens of the town of Selma from working on public roads beyond the limits of said town,' was read the second time. *Ordered*, that said bill be committed to the committee on roads, bridges and ferries.

On motion of Mr. Crabb, the bill to be entitled 'an act to divorce Nathan Briley from his wife Elizabeth Briley,' was taken up, read the third time and passed by a majority of two thirds of the members present.

Yeas 6

Nays 13.

The yeas and nays being required those who voted in the affirmative,

| | | | | |
|---------------|--------|----------|--------|-------------|
| are, | | | | |
| Mr. President | Coats | Devereux | Moore | Sullivan—13 |
| Armstrong | Conner | Hopkins | Powell | |
| Casey | Crabb | M'Camy | Smith | |

Those who voted in the negative, are,

| | | | | |
|----------|---------|--------|-------------|--------|
| Mr. Bibb | Metcalf | Murphy | Shackleford | Wood—6 |
| M'Vay | | | | |

Ordered, That the House of Representatives be informed thereof.

A bill, to be entitled 'an act to exempt those from the payment of a state tax who have not resided in the state twelve months,' was read the second time. *Ordered*, that said bill be committed to the committee on the Judiciary.

A bill from the House of Representatives, to be entitled 'an act to amend an act, entitled an act to appoint Commissioners to lay out certain roads therein specified, and for other purposes' was read the third time and passed. *Ordered*, That the Secretary inform the House of Representatives thereof.

A bill from the House of Representatives, to be entitled 'an act concerning the Judges of the county courts,' and a bill to be entitled 'an act for the relief of John P. Hickman and Richard Ellis,' were severally read the third time and passed.

Ordered, That the House of Representatives be informed thereof.

An engrossed bill, to be entitled 'an act to provide for printing the laws and journals, and for other purposes,' was read the third time and laid on the table.

An engrossed bill, to be entitled 'an act to prevent free negroes from selling spiritous liquors in this state,' was read the third time.

Mr. Casey moved to fill the first blank in said bill with the words 'first May;' which was decided in the affirmative.

Mr. Moore moved to fill the second blank with the words 'ten dollars;' which was decided in the affirmative.

Mr. M'Vay moved to amend said bill by way of rider, by inserting the words 'or mulatto,' after the words 'free negro,' wherever they occur in said bill; which was adopted.

Mr. Armstrong offered the following amendment to said bill, by way of rider. 'Provided, that this act shall not effect any free negro, mulatto or other person who by the treaty between the United States and Spain, became citizens of the United States, or the descendants of any such person;' which was read three several times and adopted.

Mr. Powell offered the following amendment to said bill, by way of rider: 'Be it further enacted, That it shall be the duty of the Judges of the several county courts in this state, upon application to them made, to bind out the children of free negroes in this state; the males until they attain the age of twenty one, and the females until they attain the age of eighteen years;' which was read three several times and adopted. Said bill was then passed as amended.

Ordered, That the title of said bill be 'an act to prevent free negroes and mulattoes from retailing spiritous liquors in this state, and for other purposes;' and that the same be sent to the House of Representatives for their concurrence.

Message from the House of Representatives, by Mr. Dodson, their clerk:

Mr. President and Gentlemen of the Senate,

I am instructed by the House of Representatives, to inform your honorable body, that they have read a third time and passed, bills originating in this house, of the following titles, to wit:

'An act declaring certain roads therein named public roads until otherwise directed by law;'

'An act entitled an act, to amend an act incorporating the town of Erie;' and

'An act for the relief of Robert Coyle.' In which they desire your concurrence.

All of which said bills were severally read the first time. *Ordered*, That said bills be made the order of the day for a second reading on Monday next.

An engrossed bill, to be entitled 'an act to alter and amend an act to extend the jurisdiction of the county court of Mobile county,' was read the third time and passed. *Ordered*, that the title of said bill, be as aforesaid, and that the same be sent to the House of Representatives for their concurrence.

An engrossed bill, to be entitled 'an act to exempt preachers of the gospel from the payment of ferriage in certain cases,' was read the third time and passed. *Ordered*, that the title of said bill be as aforesaid, and that the same be sent to the House of Representatives for their concurrence.

An engrossed bill, to be entitled 'an act to prevent frivolous and vexatious law suits,' was read the third time and passed. *Ordered*, that the title of said bill be as aforesaid, and that the same be sent to the House of Representatives for their concurrence.

On motion of Mr. Bibb, Mr. Hopkins was excused from further service on the committee of privileges and elections.

Ordered, That Mr. Crabb be added to said committee.

On motion, the Senate adjourned till Monday morning at 10 o'clock.

Monday, December 9, 1822.

The senate met pursuant to adjournment.

Mr. Bibb presented the petition of sundry inhabitants of Butler county, praying to be allowed representation in the General Assembly from said county; which was read and referred to the committee on propositions and grievances.

Mr. Hopkins, from the judiciary committee, to whom was referred the bill, to be entitled 'an act giving execution for costs in the supreme court,' reported the same with sundry amendments; which were concurred in. *Ordered*, that said bill be engrossed, and made the order of the day for a third reading on to-morrow.

Mr. Bibb obtained leave to introduce a bill, to be entitled 'an act for the regulation of assessors and tax collectors, so far as relates to the payment of money;' which was read the first time. *Ordered*, that said bill be made the order of the day, for a second reading on to-morrow.

Mr. Smith obtained leave to introduce a bill, to be entitled 'an act to alter the times of holding courts in the first judicial circuit;' which was read the first time. *Ordered*, that said bill be made the order of the day for a second reading on to-morrow.

Mr. Conner obtained leave to introduce a bill, to be entitled 'an act providing for the election of sheriffs in certain cases, and for other purposes;' which was read the first time. *Ordered*, that said bill be made the order of the day for a second reading on to-morrow.

Mr. Devereux offered the following resolution: '*Resolved*, that the committee on privileges and elections, be, and they are hereby, authorized to send for persons and papers, and to examine the same for the purpose of enabling said committee to perform the duties of their appointment;' which was adopted.

A bill, to be entitled 'an act for the relief of James Mixon,' was read the second time. *Ordered*, that said bill be engrossed, and made the order of the day for a third reading on to-morrow.

A bill, to be entitled 'an act to authorize Nicholas Pope to emancipate a certain slave therein named,' was read the second time.

Mr. Coats offered the following amendment to said bill: '*Provided*, that said slave shall remove out of this state after he arrives at the age of twenty-one years, and shall not return to reside therein;' which was adopted.

Ordered, That said bill be engrossed and made the order of the day for a third reading on to-morrow.

Mr. Sullivan offered the following resolution: '*Resolved*, that the judiciary committee be instructed to enquire into the expediency of so amending the stray law, where the property posted is proved away before the time for selling strays expires, so as to compel the taker up to pay the clerk the printer's fees at the return of the certificate of the justice and appraisers;' which was adopted.

A bill from the House of Representatives, to be entitled 'an act declaring certain roads therein named public roads until otherwise directed by law,' was read the second time.

Mr. Casey moved to amend said bill by inserting the word 'court' af-

ter the words 'Wilcox county' in the section of said bill; which was decided in the affirmative.

Ordered, that said bill be made the order of the day, for a second reading on to-morrow.

A bill from the House of Representatives, to be entitled 'an act to amend an act to incorporate the town of Erie,' was read the second time.

Ordered, that said bill be made the order of the day, for a third reading on to-morrow.

A bill from the House of Representatives to be entitled 'an act for the relief of Robert Coyfe,' was read the second time.

Ordered, that said bill be committed to the committee on propositions and grievances, to examine and report thereon.

Mr. Moore, from the committee on enrolled bills, reported, that said committee had examined the following acts and found the same duly enrolled, to wit:

'An act to incorporate the trustees of Athens Female Academy in Limestone county;'

'An act to mark out and establish a road leading from the City of Mobile in the county of Mobile, to Edwin Lewis' turnpike road in said county;'

'An act to prevent immoral and disorderly conduct at places of religious worship; and

'An act to authorize Gilbert D. Taylor to emancipate certain slaves therein named; which were accordingly signed by Mr. President.

An engrossed bill, to be entitled 'an act to provide for printing the laws and journals, and for other purposes,' was ordered to lie on the table.

An engrossed bill, to be entitled 'an act for the government of the port and harbour of Mobile,' was read the third time and passed.

Ordered, that the title of said bill be 'an act for the government of the port and harbour of Mobile;' and that the same be sent to the House of Representatives for their concurrence.

Mr. Moore presented the petition of Thomas Philips, praying to be paid for a negro killed in working on a public road; which was read and referred to the committee on propositions and grievances.

On motion the Senate adjourned till to-morrow morning 10 o'clock.

Tuesday, 10 Dec. 1822.

The Senate met pursuant to adjournment.

Mr. Bibb presented the petition of Henry Lucas and Walter B. Lucas, administrators of John Lucas, deceased, praying the passage of a law authorizing them to sell certain real estate; which was read and referred to the committee on the judiciary.

Mr. Bibb, from the committee on propositions and grievances, to whom was referred the petition of Neal Patterson, reported, 'that it is inexpedient to grant the prayer of the petitioner. They recommend the passage of a law making provisions for the payment of witnesses in criminal cases;' which was concurred in.

Mr. Bibb, from said committee, to whom was referred the petition of Thomas Philips, reported, that while said committee commiserate the misfortune of the petitioner, they yet consider that his loss is one, to which every individual in the community is liable when engaged in the discharge of public duties; and that it is inexpedient to grant him the compensation asked for. Your committee believe it would be infringing on the rights of the state at large, to draw on its treasury for compensa-

tions, or remunerations which it would seem were only due from the county in which such accidents may occur.

On motion of Mr. Mogre, Ordered, that said petition be referred to a select committee. Messrs. Moore, M'Vay and Murphy were appointed said committee.

A message from the House of Representatives by Mr. Dodson their clerk:
Mr. President and Gentlemen of the Senate:

I am instructed by the House of Representatives to inform your honourable body, that they have read a third time and passed, bills originating in this house, of the following titles, to wit:

'An act for the trial of the right of property taken by virtue of an execution or attachment, and claimed by any person not a party to the suit;' and

'An act to alter and extend the boundaries of Wilcox county;' in which they desire your concurrence.

Pursuant to a resolution of yesterday, the House of Representatives also herewith transmits to the senate a copy of the memorial of the trustees of the University of Alabama to the General Assembly of this state.

A Message from the House of Representatives by Mr. Davis, a member thereof:

Mr. President and Gentlemen of the Senate:

I am instructed by the House of Representatives to inform your honorable body, that they concur in the amendment made by your honorable body, to bills of the following titles, to wit:

'An act the better to secure debts upon writs of error;' and

'An act to manumit certain slaves therein named.'

A message from the Governor, by J. J. Pleasants, esq. secretary of State.

Gentlemen of the Senate, and of the House of Representatives:

I have received the resignation of John Mosely, esq. judge of the county court of Lawrence county. I have also received the resignation of John M. Chapman, judge of the county court of Covington county.

ISRAEL PICKENS.

Mr. Casey, from the committee on roads, bridges, and ferries, to whom was referred, the bill, to be entitled 'an act to vest in S. B. Shields his heirs and assigns, the exclusive right to a ferry on the Tombeckbe river, in the county of Clarke, at, or near the town of Jackson in said county;' reported the same as amended; which was concurred in.

Mr. Casey, from said committee, to whom was referred a bill to be entitled 'an act to authorize Brice M. Garner to build a certain toll bridge therein named,' reported, that it is inexpedient to pass said bill.

Ordered, that said report lie on the table.

Mr. Casey, from said committee, to whom was referred a bill to be entitled 'an act to authorize David Peoples to continue a toll bridge erected over the Escambia Creek in the county of Conecuh,' reported the same without amendment.

Ordered, that said bill be made the order of the day for a third reading on to-morrow.

Mr. Casey, from the said committee, to whom was referred the petition of sundry inhabitants of St. Clair county, reported, that the prayer of the petitioners is unreasonable and ought not to be granted.

Ordered, that said report, lie on the table.

Mr. Casey, from said committee, to whom was referred the bill, to be entitled 'an act to exempt the citizens of the town of Selma from working on public roads beyond the limits of said town,' reported said bill without amendment.

Mr. Wood moved, that the further consideration of said bill be indefinitely postponed; which was decided in the affirmative.

Yeas 12

Nays 7.

The yeas & nays being desired, those who voted in the affirmative, are,

| | | | | |
|---------------|---------|--------|---------|----------|
| Mr. President | Coats | McCamy | Metcalf | Sullivan |
| Armstrong | Crabb | McVay | Murphy | Wood—12 |
| Bibb | Hopkins | | | |

Those who voted in the negative, are,

| | | | | |
|-----------|----------|--------|-------------|----------|
| Mr. Casey | Devereux | Powell | Shackleford | Smith—7. |
| Conner | Moore | | | |

Mr. Murphy, from the special committee to whom was committed the bill, to be entitled 'an act to manumit a negro woman slave, Margaret and her children,' reported the same with an amendment; which was concurred in.

Ordered, That said bill be made the order of the day for a third reading on to-morrow.

Mr. Hopkins, from the judiciary committee, to whom was referred the bill, to be entitled 'an act for the payment of jurors in the circuit courts of this state,' reported the same with an amendment; which was concurred in.

Ordered, That said bill be engrossed, and made the order of the day for a third reading on to-morrow.

Mr. Hopkins from the same committee, to whom was referred the bill, to be entitled 'an act to exempt those from the payment of a state tax, who have not resided in the state twelve months,' reported that is inexpedient to pass said bill; which was concurred in.

Mr. Moore from the committee on enrolled bills; reported, that said committee had examined the following acts and found the same duly enrolled, to wit:

'An act to authorize the administrators of William Ellis, deceased, to sell certain real estate therein named;'

'An act to suppress the evil practice of fire-hunting;'

'An act divorcing Robert Bransford from his wife Jane Bransford;'

'An act to incorporate the Huntsville fire engine company;'

'An act for the relief of purchasers of lots at the first sale in the town of Cahawba;'

'An act to organize the counties of Covington and Pike;'

'An act to incorporate the town of Ashville, in the county of St. Clair'

'An act for the relief of Henry Stokes, and others; and'

'An act to authorize the administrator and administratrix of John Ellis, deceased, to sell and convey certain real estate; which were accordingly signed by Mr. President.

A message was received from the House of Representatives by Mr. Dodson, their clerk, informing the Senate, that they had read a third time and passed, a bill originating in this House, entitled 'an act concerning intestates' estates;'

Mr. Powell obtained leave to introduce a bill, to be entitled 'an act in relation to mortgaged property,' which was read the first time.

Ordered, that said bill be made the order of the day for a second reading on to-morrow.

Mr. Moore obtained leave to introduce a bill, to be entitled 'an act to authorize a change of venue in chancery causes in certain cases,' which was read the first time. *Ordered*, that said bill be made the order of the day, for a second reading on to-morrow.

Mr. Hopkins, from the judiciary committee, to whom was referred a bill to be entitled 'an act to enforce the payment of moneys collected by officers of courts,' reported the same without amendment.

Ordered, that said bill be engrossed, and made the order of the day for a third reading on to-morrow.

Ordered, that Mr. Metcalf be added to the committee on roads, bridges and ferries.

A bill from the House of Representatives, to be entitled 'an act to alter and extend the boundaries of Wilcox county,' was read the first time.

Ordered, that the same be made the order of the day, for a second reading on to-morrow.

A bill from the House of Representatives, to be entitled 'an act for the trial of the right of property, taken by virtue of an execution or attachment, and claimed by any person not a party to the suit,' was read the first time.

Ordered, that said bill be made the order of the day for a second reading on to-morrow.

A Memorial of the Trustees of the University, was read, and ordered to be laid on the table. *Ordered*, that one hundred copies of said memorial be printed.

Mr. Wood obtained leave to introduce a bill, to be entitled 'an act to prevent grand jurors from being required to present every frivolous assault and battery case that may come within their knowledge,' which was read the first time.

Ordered, That said bill be made the order of the day, for a second reading on to-morrow.

A bill, to be entitled 'an act for the regulation of assessors and tax collectors, so far as relates to the payment of money,' was read the second time. *Ordered*, that said bill be committed to a committee of the whole house, and made the order of the day for to-morrow.

A message was received from the House of Representatives, by Mr. Dodson, their clerk, informing the Senate, that they had read the third time and passed a bill, to be entitled 'an act to repeal in part the statute of limitations in criminal cases.' Said bill was read the first time.

Ordered, That the same be made the order of the day, for a second reading on to-morrow.

A bill to be entitled 'an act to alter the times of holding courts in the first judicial circuit,' was read the second time. *Ordered*, that said bill be referred to the committee on the judiciary to examine and report thereon.

A bill, to be entitled 'an act providing for the election of sheriffs in certain cases, and for other purposes,' was read the second time. *Ordered*, that said bill be referred to the judiciary committee to examine and report thereon.

A bill from the House of Representatives, to be entitled 'an act declaring certain roads therein named public roads, until otherwise directed by law,' was read the second time. *Ordered*, that said bill lie on the table.

A bill from the House of Representatives, to be entitled 'an act to

amend an act incorporating the town of Erie, was read the third time and passed. Ordered, that the House of Representatives be informed thereof.

Mr. Casey presented the petition of the administrators of John Waugh, deceased, praying the passage of a law, authorizing them to sell certain real estate. Ordered, that said petition be referred to the committee on the judiciary.

An engrossed bill, to be entitled 'an act to authorize Nicholas Pope to emancipate a certain slave therein named,' was read the third time and passed. Ordered, that the title be 'an act to authorize Nicholas Pope to emancipate a certain slave therein named,' and that the same be sent to the House of Representatives for their concurrence.

An engrossed bill, to be entitled 'an act for the relief of James Mixon,' was read the third time and passed.

Yeas 14

Nays 5.

The yeas and nays being desired, those who voted in the affirmative, are,

| | | | | |
|---------------|----------|---------|-------------|---------|
| Mr. President | Coats | Hopkins | Moore | Smith |
| Armstrong | Crabb | M'Camy | Murphy | Wood—14 |
| Casey | Deveraux | M'Vay | Shackelford | |

Those who voted in the negative, are,

| | | | | |
|----------|--------|---------|--------|-------------|
| Mr. Bibb | Conner | Metcalf | Powell | Sullivan—5. |
|----------|--------|---------|--------|-------------|

Ordered, that the title of said bill be 'an act to refund to James Mixon a sum of money improperly assessed and collected;' and that the same be sent to House of Representatives for their concurrence.

An engrossed bill, to be entitled 'an act giving execution for costs in the supreme court,' was read the third time and passed.

Ordered, that the title of said bill be as aforesaid, and that the same be sent to the House of Representatives for their concurrence.

On motion, the Senate adjourned until to-morrow morning 10 o'clock.

Wednesday, December 11, 1822.

The senate met pursuant to adjournment.

Mr. Sullivan presented the petition of sundry lessees of college lands in Perry county; which was read and referred to the committee on schools and colleges and school and college lands.

Mr. M'Vay, from the committee on privileges and elections, to whom was referred the memorial of William Wingate, made the following report: 'The committee of privileges and elections, to whom was referred the petition of William Wingate, Esq. praying that the General Assembly would take his case into their consideration, and decide whether he is or is not entitled to a seat in the Senate, instead of John Murphy, Esq. returned as a senator from Monroe county, beg leave to report, that they have had the said petition, with its accompanying documents, together with such other evidence as it has been in their power to procure, under consideration, and recommend the adoption of the following resolutions: Resolved, that the Hon. John Murphy, Senator from Monroe county is constitutionally and lawfully entitled to his in this house,' which was concurred in.

Mr. Hopkins, from the judiciary committee, to whom was referred the bill, to be entitled 'an act for the relief of the Huntsville Bank,' reported the same with sundry amendments; which were concurred in.

Said bill was then read a third time and passed.

Yeas 15

Nays 4.

The yeas & nays being desired, those who voted in the affirmative, are,

| | | | | |
|---------------|--------|----------|--------|-------------|
| Mr. President | Casey | Deveraux | M'Vay | Powell |
| Armstrong | Conner | Hopkins | Moore | Shackelford |
| Bibb | Crabb | M'Camy | Murphy | Smith—15. |

Those who voted in the negative are,

Mr. Coats Metcalf, Sullivan, Wood.

Ordered, that the Secretary inform the House of Representatives of the passage thereof, and desire their concurrence in the amendments made thereto.

Mr. Hopkins, from said committee, to whom was referred the bill to be entitled 'an act providing for the election of Sheriffs in certain cases, and for other purposes,' reported the same with sundry amendments; which were concurred in. Ordered, that said bill be engrossed and made the order of the day for a third reading on tomorrow.

Mr. Sullivan obtained leave to introduce a bill, to be entitled 'an act to prescribe the mode of certifying executions from justices of the peace from one county to another,' which was read the first time. Ordered, that said bill be made the order of the day for a second reading tomorrow.

A bill from the House of Representatives, to be entitled 'an act to alter and extend the boundaries of Wilcox county,' was read the second time. Ordered, that said bill be committed to the committee on county boundaries, to examine and report thereon.

A bill from the House of Representatives, to be entitled 'an act for the trial of the right of property taken by virtue of an execution or attachment and claimed by a person not a party to the suit.

A bill to be entitled 'an act to repeal in part the statute of limitations in criminal cases.'

A bill to be entitled 'an act in relation to mortgaged property.'

A bill, to be entitled 'an act to authorize a change of venue in chancery causes in certain cases.'

A bill to be entitled 'an act to prevent Grand Jurors from being required to present every frivolous assault and battery case that may come within their knowledge,' were severally read the second time. Ordered, that said bills be referred to the committee on the judiciary to examine and report thereon.

The Senate according to order, resolved itself into a committee of the whole on the bill to be entitled 'an act for the regulation of assessors and tax collectors, so far as relates to the payment of money,' Mr. Bibb in the chair; and after some time spent therein, the committee rose, and Mr. Bibb reported the same with sundry amendments, which were concurred in. Ordered, that said bill be referred to the judiciary committee to examine and report thereon.

Mr. Moore offered the following Resolution: Resolved, that the committee on roads, bridges and ferries, be instructed to inquire into the expediency of so amending the road laws in this state, as will prevent hands liable to work on public roads, from being apportioned to two overseers on the same road; which was adopted.

A bill from the House of Representatives, to be entitled 'an act declaring certain roads therein named public roads, until otherwise directed by law,' was read the third time and passed. Ordered, that the House of Representatives be informed thereof.

A bill from the House of Representatives, to be entitled 'an act to authorize David Peoples to continue a toll bridge erected over the Escambia Creek, in the county of Conecuh,' was read the third time and passed.

A bill from the House of Representatives, to be entitled 'an act to manumit a negro woman Margaret, and her children,' was read the third time and passed. Ordered, that the House of Representatives be informed of the passage of said bills.

An engrossed bill, to be entitled 'an act for the payment of Jurors in the Circuit Courts of this state,' was read the third time. Mr. Sullivan moved to fill the blank in said bill with the words 'two dollars,' which was decided in the affirmative. Mr. Sullivan offered the following amendment to said bill by way of rider, 'And be it further enacted, that in all civil cases where pleas are withdrawn, the jury shall receive the same compensation allowed in the first section of this act,' which was read three several times and adopted. Mr. M'Vay offered the following amendment to said bill, by way of rider, 'Provided, that nothing in this act shall be so construed as to exclude Jurors from receiving one dollar each, per day, for each day they may attend to the duties assigned to them, and on the question being put on the adoption of said amendment, it was decided in the negative. Yeas 9. Nays 10. The yeas and nays being desired, those who voted in the affirmative, are,

| | | | | |
|---------------|---------|-------|-------------|---------|
| Mr. President | Hopkins | M'Vay | Shackleford | Wood—9. |
| Bibb | M'Camy | Moore | Smith. | |

Those who voted in the negative, are,

| | | | | |
|---------------|--------|----------|---------|--------------|
| Mr. Armstrong | Coats | Crabb | Metcalf | Powell |
| Casey | Conner | Devereux | Murphy | Sullivan—10. |

Ordered, that said bill be laid on the table.

An engrossed bill, to be entitled 'an act to enforce the payment of monies collected by officers of courts,' was read the third time and passed. Ordered, that the title of said bill be changed from that of 'a bill,' to that of 'an act,' and that the same be sent to the House of Representatives for their concurrence.

On motion of Mr. Armstrong, the bill to be entitled 'an act to provide for the printing of the laws and journals, and for other purposes,' was taken up. Mr. Murphy moved to fill the blank in the first section of said bill, where it relates to the salary of the public printer with 'two thousand dollars,' which was decided in the negative. Yeas 9. Nays 10. The yeas and nays being desired, those who voted in the affirmative, are,

| | | | | |
|---------------|-------|----------|-------------|-------------|
| Mr. President | Bibb | Devereux | Shackleford | Sullivan—9. |
| Armstrong | Casey | Murphy. | Smith | |

Those who voted in the negative, are,

| | | | | |
|-----------|---------|--------|---------|----------|
| Mr. Coats | Crabb | M'Camy | Metcalf | Powell |
| Conner | Hopkins | M'Vay | Moore | Wood—10. |

Mr. Bibb moved to fill said blank with the words 'nineteen hundred dollars,' which was decided in the negative.

Yeas 9

Nays 10.

The yeas & nays being desired, those who voted in the affirmative, are,

| | | | | |
|---------------|-------|----------|-------------|------------|
| Mr. President | Bibb | Devereux | Shackleford | Sullivan—9 |
| Armstrong | Casey | Murphy | Smith | |

Those who voted in the negative, are,

| | | | | |
|-----------|---------|--------|---------|----------|
| Mr. Coats | Crabb | M'Camy | Metcalf | Powell |
| Conner | Hopkins | M'Vay | Moore | Wood—10. |

Mr. Wood moved to fill said blank with 'eighteen hundred dollars,' which was decided in the affirmative.

Yeas 15

Nays 4.

The yeas & nays being desired, those who voted in the affirmative, are,

| | | | | |
|---------------|----------|---------|-------------|----------|
| Mr. President | Coats | Hopkins | Moore | Smith |
| Armstrong | Conner | M'Camy | Murphy | Sullivan |
| Bibb | Devereux | Metcalf | Shackleford | Wood—15. |

Those who voted in the negative, are,

| | | | |
|-----------|-------|--------|----------|
| Mr. Casey | Crabb | Powell | M'Vay—4. |
|-----------|-------|--------|----------|

Mr. Shackleford moved to fill the second blank in said bill, where it relates to the penalty of the bond to be given by the printer, with the words 'four thousand dollars,' which was decided in the affirmative.

Mr. Shackelford moved to fill the third blank in said bill, with the words 'ten days,' which was decided in the affirmative.

Mr. Shackelford moved to fill the fourth blank in said bill, with the words 'twenty-five days,' which was decided in the affirmative.

Mr. Wood moved to fill the fifth blank in said bill, with the words 'seventy-five days,' which was decided in the affirmative.

Mr. Armstrong moved to fill the sixth blank in said bill, with the words 'thirty days,' which was decided in the affirmative.

Mr. M'Vay offered the following amendment to said bill by way of rider: 'Provided, that nothing in this act contained, shall be so construed as to authorize the said printer to receive the compensation herein allowed, in case he fail to have the acts and journals distributed agreeable to the provisions of this act,' which was rejected.

A Message from the House of Representatives, by Mr. Mead, a member thereof:

Mr. President and Gentlemen of the Senate,

I am instructed by the House of Representatives, to inform your honorable body, that they have read a third time and passed, bills originating in your honourable body, of the following titles, to wit:

'An act to authorize Rosanna Lambkin and Elijah Hogan to convey to Isaac Jackson a certain tract of land therein named,' and

'An act concerning inquiry of damages,' which latter they have amended by adding a proviso, and an additional section: in which they desire your concurrence.

On motion the senate adjourned 'till 3 o'clock P. M.

3 o'clock, P. M.

The Senate met pursuant to adjournment.

The senate resumed the consideration of the bill, to be entitled 'an act to provide for printing the laws and journals, and for other purposes.'

Ordered, that said bill be committed to the committee on the judiciary, to examine and report thereon.

Mr. Wood obtained leave to introduce a bill, to be entitled 'an act to authorize ministers of the gospel to solemnize the rites of matrimony,' which was read the first time.

Ordered, that said bill be made the order of the day, for a second reading on to-morrow.

Ordered, that Mr. Coats be added to the committee on county boundaries.

Mr. Sullivan moved to reconsider the vote of the senate on the passage of the bill, to be entitled 'an act to exempt the citizens of the town of Selma from working on public roads beyond the limits of said town,' which was decided in the affirmative.

Ordered, that said bill lie on the table.

On motion the Senate concurred in the amendments made by the House of Representatives to the bill, to be entitled 'an act concerning inquiry of damages.'

Ordered, That the House of Representatives be informed thereof.

Mr. Hopkins moved to reconsider the vote of the Senate on the third reading and passage of the bill from the House of Representatives, to be entitled 'an act to manumit a negro woman slave, Margaret and her children,' which was decided in the affirmative.

Ordered, that said bill be laid on the table.

On motion the Senate adjourned till to-morrow morning 10 o'clock.

Thursday, Dec. 12, 1827.

The Senate met pursuant to adjournment.

Mr. Hopkins, from the judiciary committee, to whom was referred the bill, to be entitled 'an act for the trial of the right of property taken by virtue of an execution or attachment and claimed by a person not a party to the suit,' reported the same without amendment.

Ordered, that said bill be made the order of the day, for a third reading on to-morrow.

Mr. Hopkins, from said committee to whom was referred a bill, to be entitled 'an act to authorize a change of venue in chancery causes in certain cases,' reported the same without amendment.

Ordered, That said bill be engrossed, and made the order of the day for a third reading on to-morrow.

Mr. Hopkins, from said committee, to whom was referred the petitions of the administrators of John Lucas, deceased, and the administrators of John Waugh, deceased, reported a bill to be entitled 'an act to authorize the administrators of John Lucas, deceased, and the administrators of John Waugh, deceased, to sell real estate;' which was read the first time.

Ordered, that said bill be made the order of the day for a third reading on to-morrow.

Mr. Moore, from the committee on enrolled bills, reported that said committee had examined the following acts, and found the same correctly enrolled, to wit:

'An act to authorize the Governor of this state to remit all, or part of any forfeiture which has or may accrue to this state;'

'An act the better to secure debts upon writs of Error;'

'An act to amend an act to appoint commissioners to lay out certain roads therein specified, and for other purposes;'

'An act to manumit certain slaves therein named;'

'An act divorcing Nathan Briley from his wife Elizabeth Briley;'

'An act for the relief of John P. Hickman and Richard Ellis; and

'An act concerning the Judges of the county courts;' which were accordingly signed by Mr. President.

Mr. Conner obtained leave to introduce a bill, to be entitled 'an act to repeal all acts, or parts of acts, requiring an oath to be taken on receiving a license to retail spiritous liquors;' which was read the first time.

Ordered, that said bill be made the order of the day for a second reading on to-morrow.

A bill, to be entitled 'an act to prescribe the mode of certifying executions from justices of the peace, from one county to another;' and

A bill, to be entitled 'an act to authorize ministers of the gospel to solemnize the rites of matrimony;' were severally read the second time.

Ordered, that said bills be committed to the committee on the judiciary, to examine and report thereon.

Ordered, that Mr. Powell be added to the committee on the judiciary.

An engrossed bill, to be entitled 'an act providing for the election of sheriff in certain cases, and for other purposes,' was read the third time and passed.

Ordered, That the title of said bill be as aforesaid, and that the same be sent to the House of Representatives for their concurrence.

Mr. Moore, from the committee on enrolled bills, reported, that said committee had examined

An act to authorize Rosanna Lampkin and Elijah Hopan to convey to Isaac Jackson a certain tract of land therein mentioned; and

'An act concerning intestates' estates,' and found the same duly enrolled: which were accordingly signed by Mr. President.

A message was received from the House of Representatives, by Mr. Davis, a member thereof, informing the Senate, that they had read the third time and passed, a bill to be entitled 'an act to compel clerks of the circuit and county courts to give bond and security within the time therein prescribed;' in which they desire the concurrence of the Senate. Said bill was read the first time. *Ordered*, That the same be made the order of the day for a second reading on to-morrow.

On motion of Mr. Sullivan, the bill, to be entitled 'an act for the payment of Jurors in the Circuit courts of this state,' was taken up: and on the question 'Shall said bill pass?' it was decided in the negative.

Yeas 7

Nays 12.

The yeas & nays being desired, those who voted in the affirmative, are,

| | | | |
|----------|--------|----------|-------------|
| Mr. Bibb | Coats | Deveraux | Sullivan—7. |
| Casey | Conner | Murphy | |

Those who voted in the negative, are,

| | | | |
|---------------|---------|---------|-------------|
| Mr. President | Hopkins | Metcalf | Shackleford |
| Armstrong | M'Camy | Moore | Smith |
| Crabb | M'Vay | Powell | Wood—12. |

On motion of Mr. Armstrong, the bill to be entitled 'an act to manumit a negro woman slave Margaret, and her children,' was taken up.

Mr. Armstrong offered an amendment to said bill by way of rider, which was read three several times and adopted. Said bill was then passed as amended. *Ordered*, that the same be sent to the House of Representatives for their concurrence.

On motion the senate adjourned till 3 o'clock.

Evening—3 o'clock.

The Senate met pursuant to adjournment.

Mr. Bibb offered the following resolution: 'Resolved, that his Excellency the Governor be requested to lay before the Senate, such information as may be in his possession, relative to the accounts between this state and the state of Mississippi;' which was adopted.

Mr. Casey presented a communication from the Adjutant General; which was read and referred to the military committee.

Mr. Bibb obtained leave to introduce a bill, to be entitled 'an act to lay a tax on all persons bringing negroes into this state for sale;' which was read the first time.

Ordered, that said bill be made the order of the day for a second reading on to-morrow.

Mr. Casey, from the committee on roads, bridges and ferries, reported a bill, to be entitled 'an act to appoint commissioners to lay out two roads leading from the ford of Line creek; the one to Coffeeville; the other to Tuskalooza;' which was read the first time.

Ordered, That said bill be made the order of the day for a second reading on to-morrow.

A message from the House of Representatives by Messrs. Gayle and Davis, members thereof.

Mr. President and Gentlemen of the Senate:

I am instructed by the House of Representatives to inform your honorable body, that they have adopted the following Resolution: 'Resolved, that a message be sent to the Senate to inform them, that this house is now ready to receive them in order to go into the election of a Senator to the Congress of the United States to fill the vacancy of the Hon. J. W.

Walker, resigned; also, to elect a Senator to the Congress of the United States, for the ensuing six years after the 4th day of March, 1823.

Whereupon, the members of the Senate repaired to the Representative chamber; and after having taken their seats, Mr. President arose and declared the object of the meeting—When both house proceeded to the election of a Senator to the Congress of the United States, to supply the vacancy occasioned by the resignation of the Hon. J. W. Walker.

John M'Kinley and William Kelly, esqs. in nomination:

The votes stood thus:

For Mr. Kelly 39.

Mr. M'Kinley 38.

Those who voted for Mr. Kelly, are:

| | | | | |
|-----------|-----------|---------------|-------------|-------------|
| Mr. Casey | Wood | Fitzpatrick | Hardwicke | Stanner |
| Coats | Adams | Farrar | Jones | Terrill |
| Crabb | Barclay | Ford | Kennedy | Thompson |
| McCamy | Bailey | Gayle | Merrivether | Wallace |
| Metcalf | Crenshaw | Harris, of E. | Martin | Winston |
| Murphy | Coleman | Hunter, of C. | Norwood | Weisinger |
| Smith | Dulaney | Hunter, of T. | Rutherford | Williams—29 |
| Sullivan | Edmondson | Hill | Rather | |

For Mr. M'Kinley—38.

| | | | | |
|---------------|-------------|---------------|------------|------------|
| Mr. President | Powell | Dunnett | Harvey | Pope |
| Armstrong | Shackelford | Davis | Jackson | Riviere |
| Bibb | Mr. Speaker | Fitz | Leake | Shartridge |
| Conner | Adair | Fearn | Mead | Sanders |
| Devereux | Abercrombie | Harris, of W. | Montgomery | Taylor |
| Hopkins | Browne | Hubbard | Morton | Young—38. |
| McVay | Browning | Hallett | M'Clung | |
| Moore | Clay | Hill | Oliver | |

Mr. Kelly having a majority, Mr. Speaker declared him duly elected senator to the congress of the United States to supply the vacancy occasioned by the resignation of the Hon. J. W. Walker.

Both houses then proceeded to the election of a Senator to the Congress of the United States for the ensuing six years, after the fourth day of March one thousand eight hundred and twenty-three:

William Crawford, William R. King, William King, and John M'Kee, esquires, in nomination: The votes stood thus:—

Mr. Crawford—32.

Those who voted for Mr. Crawford, are,

| | | | | |
|---------------|--------------|---------------|------------|-----------|
| Mr. President | Shackelford | Browning | Hubbard | Pope |
| Bibb | Wood | Clay | Hart | Riviere |
| Conner | Mr. Speaker, | Dulaney | Hallett | Sanders |
| Devereux | Abercrombie | Davis | Mead | Taylor—32 |
| Hopkins | Barclay | Fearn | Montgomery | |
| McCamy | Bailey | Harris, of W. | M'Clung | |
| McVay | Browne | Hunter, of C. | Oliver | |

For William R. King.

| | | | | |
|-----------|-------------|-------------|------------|--------------|
| Mr. Casey | Sullivan | Ford | Norwood | Wallace |
| Coats | Adair | Hardwicke | Rutherford | Winston |
| Metcalf | Adams | Harvey | Rather | Weisinger—27 |
| Moore | Crenshaw | Jones | Stanner | |
| Murphy | Coleman | Kennedy | Terrill | |
| Smith | Fitzpatrick | Merrivether | Thompson | |

For William King.

| | | | | |
|---------------|-------|-------|---------------|----------|
| Mr. Armstrong | Crabb | Gayle | Harris, of E. | Morton—3 |
|---------------|-------|-------|---------------|----------|

For John McKee.

| | | | |
|------------|---------------|---------|------------|
| Mr. Powell | Farrar | Jackson | Shartridge |
| Dunnett | Hunter, of T. | Leake | Williams |
| Edmondson | Hill | Martin | Young—12 |

Neither of the persons in nomination having a constitutional majority, both houses proceeded to vote a second time for a senator to the congress of the United States:—the same persons in nomination.

The votes stood thus:

For Mr. Crawford,

| | | | | |
|---------------|-------------|--------------|------------|-----------|
| Mr. President | Shackelford | Browning | Hubbard | Oliver |
| Bibb | Wood | Clay | Hunt | Pope |
| Conner | Mr. Speaker | Dulaney | Hallett | Riviere |
| Devereaux | Abercrombie | Davis | Leake | Sanders |
| Hopkins | Barclay | Fearn | Mead | Taylor—33 |
| M'Camy | Bailey | Harris of W. | Montgomery | |
| M'Vay | Browne | Hunter of C. | M'Clung | |

For William R. King,

| | | | | |
|-----------|----------|-------------|-------------|--------------|
| Mr. Casey | Smith | Durrett | Jones | Skinner |
| Coats | Sullivan | Fitzpatrick | Kennedy | Terrell |
| Crab | Adair | Farrar | Merriwether | Thompson |
| Metcalf | Adams | Ford | Norwood | Wallace |
| Moore | Crenshaw | Hardwicke | Rutherford | Winston |
| Murphy | Coleman | Harvey | Rather | Weisinger—30 |

For William King,

| | | | |
|---------------|-------|--------------|----------|
| Mr. Armstrong | Gayle | Harris of B. | Morton—4 |
|---------------|-------|--------------|----------|

For John McKee,

| | | | | |
|------------|--------------|---------|------------|---------|
| Mr. Powell | Hunter of T. | Jackson | Shortridge | Young—9 |
| Edmondson | Hill | Martin | Williams | |

Neither having a majority, both houses proceeded to vote a third time:
William Crawford, William R. King and William King, in nomination.

The votes stood thus:

For Mr. Crawford,

| | | | | |
|---------------|-------------|---------------|------------|----------|
| Mr. President | Shackelford | Browning | Hubbard | Oliver |
| Bibb | Wood— | Clay | Hunt | Pope |
| Conner | Mr. Speaker | Dulaney | Hallett | Riviere |
| Devereaux | Abercrombie | Davis | Leake | Sanders |
| Hopkins | Barclay | Fearn | Mead | Taylor |
| M'Camy | Bailey | Harris, of W. | Montgomery | Young—34 |
| M'Vay | Browne | Hunter, of C. | M'Clung | |

For William R. King,

| | | | | |
|-----------|-----------|--------------|-------------|--------------|
| Mr. Casey | Smith | Fitzpatrick | Jackson | Terrell |
| Coats | Sullivan | Farrar | Kennedy | Thompson |
| Crab | Mr. Adair | Ford | Merriwether | Wallace |
| Metcalf | Adams | Hunter of T. | Norwood | Winston |
| Moore | Crenshaw | Hardwicke | Rutherford | Williams |
| Murphy | Coleman | Hill Harvey | Rather | Weisinger—35 |
| Powell | Durrett | Jones | Skinner | |

For William King,

| | | |
|---------------|--------------|----------|
| Mr. Armstrong | Gayle | Norton, |
| Edmondson | Harris of B. | Martin—6 |

Neither of the persons in nomination having a constitutional majority,
both houses proceeded to vote a fourth time.

The votes stood thus:

For Mr. Crawford,

| | | | | |
|---------------|-------------|--------------|------------|----------|
| Mr. President | Shackelford | Browning | Hubbard | M'Clung |
| Bibb | Wood— | Clay | Hunt | Oliver, |
| Conner | Mr. Speaker | Dulaney | Hallett | Pope |
| Devereaux | Abercrombie | Davis | Leake | Riviere |
| Hopkins | Barclay | Fearn | Mead | Sanders, |
| M'Camy | Bailey | Harris of W. | Montgomery | Taylor |
| M'Vay | Browne | Hunter of C. | Morton | Young—33 |

For William R. King,

| | | | | |
|-----------|-------------|--------------|-------------|--------------|
| Mr. Casey | Sullivan | Farrar | Kennedy | Wallace |
| Coats | Adair | Ford | Merriwether | Winston |
| Crab | Adams | Hunter of T. | Norwood | Williams |
| Metcalf | Crenshaw | Hardwicke | Rutherford | Weisinger—36 |
| Moore | Coleman | Hill | Rather | |
| Murphy | Durrett | Harvey | Skinner | |
| Powell | Edmondson | Jones | Terrell | |
| Smith | Fitzpatrick | Jackson | Thompson | |

For William King,

Mr. Armstrong Gayle Harris, of B. Martin—4

Neither having a majority of the whole number, both houses proceeded to vote the fifth time—the same gentlemen in nomination.

The votes stood thus:

Mr. Crawford—

Those who voted for Mr. Crawford, are,

| | | | | |
|---------------|--------------|--------------|------------|-----------|
| Mr. President | Shackleford | Browning | Hunt | Pope |
| Bibb | Wood | Clay | Hallett | Riviere |
| Conner | Mr. Speaker, | Dulaney | Leake | Sanders |
| Devereux | Abercrombie | Davis | Mead | Taylor— |
| Hopkins | Barclay | Fearn | Montgomery | Young—33. |
| McCamy | Bailey | Harris of W. | M'Clung | |
| McVay | Browne | Hubbard | Oliver | |

For William R. King,

| | | | | |
|-----------|-------------|--------------|--------------|-------------|
| Mr. Casey | Sullivan | Farrar | Kennedy | Wallace |
| Coats | Adair | Ford, | Merriwether, | Winston |
| Crabb | Adams | Hunter of T. | Norwood | Weissinger |
| Metcalf | Crenshaw | Hardwicke | Rutherford | Williams—36 |
| Moore | Coleman | Hill | Rather | |
| Murphy | Durrett | Harvey | Skinner | |
| Powell, | Edmondson | Jones | Terrill | |
| Smith | Fitzpatrick | Jackson | Thompson | |

For William King,

Mr. Armstrong Harris, of B. Martin
Gayle, Hunter, of C. Morton—6

Neither having a constitutional majority—both houses proceeded to vote the sixth time—the same gentlemen in nomination.

The votes stood thus:

For Mr. Crawford,

| | | | | |
|--------------|-------------|---------------|------------|-----------|
| Mr President | Shackleford | Browning | Hubbard, | Oliver |
| Bibb | Wood | Clay | Hunt | Pope |
| Conner | Mr. Speaker | Dulaney | Hallett, | Riviere |
| Devereux | Abercrombie | Davis, | Leake, | Sanders |
| Hopkins | Barclay | Fearn, | Mead, | Taylor |
| McVay | Bailey | Harris, of W. | Montgomery | Young—34. |
| McCamy | Browne | Hunter of C. | M'Clung, | |

For William R. King,

| | | | | |
|-----------|-------------|--------------|-------------|---------------|
| Mr. Casey | Sullivan, | Farrar | Kennedy | Wallace |
| Crabb | Adair | Ford | Merriwether | Winston |
| Coats | Adams | Hunter of T. | Norwood | Williams |
| Metcalf | Crenshaw | Hardwicke | Rutherford | Weissinger—36 |
| Moore | Coleman | Hill | Rather | |
| Murphy | Durrett | Harvey | Skinner | |
| Powell | Edmondson, | Jones | Terrell | |
| Smith | Fitzpatrick | Jackson | Thompson | |

For William King,

Mr. Armstrong Gayle Harris of B. Morton Martin—5

Neither having a majority of the whole number of both houses, they proceeded to vote a seventh time:—

William R. King and William Crawford in nomination, (the name of William King having been withdrawn.)

Those who voted for William R. King, are,

| | | | | |
|-----------|-------------|------------------|-------------|-------------|
| Mr. Casey | Sullivan | Farrar | Jones | Terrell |
| Coats | Mr. Adams | Ford | Jackson | Thompson |
| Crabb | Adair | Gayle | Kennedy | Wallace |
| Metcalf | Crenshaw | Harris of B. | Merriwether | Winston |
| Moore | Coleman | Hunter, of Tusk. | Norwood | Williams |
| Murphy | Durrett | Hardwicke | Rutherford | Weissinger— |
| Powell | Edmondson | Hill | Rather | |
| Smith | Fitzpatrick | Harvey | Skinner | |

Those who voted for Mr. Crawford, are,

| | | | | |
|---------------|-------------|--------------|------------|---------|
| Mr. President | Shackleford | Browning | Hubbard | McClung |
| Bibb | Wood | Clay | Hunt | Oliver |
| Conner | Mr. Speaker | Dulaney | Hallett | Pope |
| Devereux | Abercrombie | Davis | Leake | Riviere |
| Hopkins | Barclay | Fearn | Mead | Sand |
| M'Camy | Bailey | Harris of W. | Montgomery | Taylor |
| M'Vay | Browne | Hunter of C. | Morton | Young |

William R. King, esq. having a majority of both houses, Mr. Speaker declared him duly elected a senator to the Congress of the United States for the ensuing six years, after the fourth day of March 1823.

The elections having been gone through, the senate withdrew and retired to their own chamber, and Mr. President resumed the chair.

On motion the Senate adjourned till tomorrow morning, at 10 o'clock.

Friday, December 13, 1822.

The Senate met pursuant to adjournment.

A Message from the House of Representatives by Mr. Dodson their clerk:

Mr. President and Gentlemen of the Senate:

I am instructed by the House of Representatives to inform your honorable body; that they have read a third time and passed, bills originating in your honorable body, of the following titles, to wit:

'An act to prevent frivolous and vexatious law suits;' and

'An act to prevent free negroes from retailing spiritous liquors, and for other purposes,' the latter of which they have amended by striking out the third and fourth sections thereof; and in which amendments they desire your concurrence.

Mr. Hopkins, from the Judiciary committee, to whom was referred the bill to be entitled 'an act to repeal in part the statute of limitations in criminal cases,' reported the same with an amendment, which was concurred in. *Ordered*, that said bill be made the order of the day for a third reading on tomorrow.

Mr. Hopkins, from said committee, to whom was referred the bill to be entitled 'an act to prescribe the mode of certifying executions from justices of the peace from one county to another,' reported the same with an amendment, which was concurred in. *Ordered*, that said bill be engrossed, and made the order of the day for a third reading on tomorrow.

Mr. Hopkins, from said committee, to whom was referred a bill, to be entitled 'an act to alter the mode of drawing grand and petit jurors,' reported the same with an amendment; which was concurred in. *Ordered*, that said bill be engrossed and made the order of the day for a third reading on tomorrow.

Mr. Hopkins from said committee, to whom was referred a bill to be entitled 'an act in relation to mortgaged property,' reported the same with sundry amendments, which were concurred in. *Ordered*, that said bill be engrossed and made the order of the day for a third reading on tomorrow.

Mr. Hopkins, from said committee, to whom was referred a bill to be entitled 'an act to authorize ministers of the gospel to solemnize the rites of matrimony,' reported the following resolution: '*Resolved*, that it is inexpedient to pass the bill, to be entitled 'an act to authorize ministers of the gospel to solemnize the rites of matrimony.' Mr. Bibb moved that the Senate disagree to said report, which was decided in the negative.

Mr. Hopkins from the committee to whom was referred a bill to be entitled 'an act to prevent grand jurors from being required to present

every frivolous assault and battery case that may come within their knowledge,' reported the following resolution: *Resolved*, that it is inexpedient to pass the bill, entitled 'an act to prevent grand jurors from being required to present every frivolous assault and battery case that may come within their knowledge.' Mr. Wood moved, that the senate disagree to said report; which was decided in the negative.

Mr. Moore, from the committee on enrolled bills, reported that said committee had examined 'an act concerning enquiry of damages,' and found the same correctly enrolled; which was accordingly signed by Mr. President.

Mr. Bibb, from the committee on propositions and grievances, to whom was referred the bill to be entitled 'an act for the relief of Robert Coyle,' reported that it is inexpedient to pass said bill. Ordered, that said report lie on the table.

A message was received from the Governor by J. J. Pleasants, esquire, secretary of state, informing the senate, that he did on the 10th inst. approve and sign, 'An act to prevent immoral and disorderly conduct at places of religious worship;' which originated in this House.

Mr. Hopkins, from the Judiciary committee, to whom was referred the bill, to be entitled 'an act to provide for printing the laws and journals, and for other purposes,' reported the same with sundry amendments; which were concurred in. Ordered, that said bill be engrossed and made the order of the day for a third reading on to-morrow.

Mr. Armstrong obtained leave to introduce a resolution, which was read the first time. Ordered, that said resolution be made the order of the day for a second reading on to-morrow.

Mr. Armstrong offered the following resolution: *Resolved*, that his excellency the Governor, be requested to communicate to the senate, such information as he may be in possession of in relation to the vacancy now existing for Major General of the 4th division of the militia of this state, together with the cause of such vacancy; which was adopted.

Mr. Moore moved, that the senate disagree to the amendment made by the house of representatives, to the bill to be entitled 'an act to prevent free negroes from retailing spiritous liquors,' by striking out the third section thereof; which was decided in the affirmative.

Mr. Murphy moved, that the senate disagree to the amendment made by the house of representatives to said bill, by striking out the 4th section thereof; which was decided in the affirmative.

Ordered, that the Secretary notify the House of Representatives thereof.

Mr. Conner offered the following resolution: *Resolved*, that the military committee be instructed to inquire into the expediency of furnishing the militia officers of this state, with some guide of military discipline; which was adopted.

A bill from the house of representatives, to be entitled 'an act to compel clerks of the circuit and county courts to give bond and security within the time therein prescribed,' was read the second time. Ordered, that said bill be made the order of the day for a third reading on to-morrow.

A bill, to be entitled 'an act to repeal all acts or parts of acts now in force in this state requiring an oath to be taken on receiving a license to retail spiritous,' was read the second time.

Ordered, that said bill lie on the table.

A bill, to be entitled 'an act to authorize the administrators of John Lucas, and the administrators of John Waugh, deceased, to sell real estate,'

was read a second time. *Ordered*, that said bill be engrossed and made the order of the day for a third reading on to-morrow.

A bill, to be entitled 'an act to appoint commissioners to lay out two roads from the ford of Line-creek; the one to Coffeeville; the other to Tuskaloosa;' was read the second time. *Ordered*, that said bill be committed to a committee of the whole house, and made the order of the day for Tuesday next.

A bill, to be entitled 'an act to lay a tax on all persons bringing negroes into this state for sale,' was read the 2nd time. *Ordered*, that said bill be referred to the committee on the Judiciary to examine & report thereon.

A bill from the House of Representatives, to be entitled 'an act for the trial of the right of property taken by virtue of an execution or attachment, and claimed by any person not a party to the suit,' was read the third time and passed.

Ordered, That the House of Representatives be informed thereof.

An engrossed bill, to be entitled 'an act to authorize a change of venue in chancery causes in certain cases,' was read the third time and passed.

Ordered, that the title of said bill be as aforesaid, and that the same be sent to the House of Representatives for their concurrence.

Mr. Casey offered the following resolution: '*Resolved*, that the committee-appointed to divide the state into congressional districts be directed to enquire into the expediency of causing the electors of President and Vice-President hereafter, to be chosen by the qualified electors of this state, with leave to report by bill or otherwise;' which was adopted.

On motion, the senate adjourned till to-morrow morning 10 o'clock.

Saturday, December 14,

The Senate met pursuant to adjournment.

Mr. Casey, from the committee on roads, bridges, and ferries, to whom was referred, the bill, to be entitled 'an act to establish a public road from Ditto's landing to Marston Mead's in Blount county,' reported that it is inexpedient to pass said bill.

Ordered, that said report, together with the bill, be laid on the table.

Mr. Hopkins, from the judiciary committee, to whom was referred the bill, to be entitled 'an act to alter the times of holding courts in the first judicial circuit,' reported the same with an amendment; which was concurred in.

Ordered, that said bill be laid on the table.

A message from the House of Representatives, by Mr. Morton:

Mr. President,

I am instructed by the House of Representatives to inform your honorable body, that they concur in the amendments made by your honorable body, to the bill, entitled,

'An act to manumit a negro woman slave Margaret, and her children.'

They have also, read a third time and passed bills, originating in the House of Representatives, of the following titles, to wit:

'An act to establish a turnpike road leading from Lawrence county to intersect the military road at Pikesville in Marion county;'

'An act supplementary to an act, entitled an act permanently to fix the seat of justice for the counties of Tuskaloosa and Perry, passed November 27th 1821;' and

'An act respecting recognizances.' In all of which they desire your concurrence.

They have also, read a third time and passed a bill, originating in the House of Representatives, entitled

'An act granting to John Fowler the right of running a steam ferry-boat, and a row-boat or sail boat, between the city of Mobile and the town of Blakeley;' in which they desire your concurrence.

They have also, read a third time and passed, a bill originating in your honorable body, entitled 'an act to establish a public road from the house of John Gandie, in Morgan county, to Baltimore in Blount county;' to which they have made sundry amendments; and in which they desire your concurrence.

They have also, read a third time and passed a bill, originating in your honorable body, entitled 'an act to alter and amend an act, entitled an act to alter and extend the jurisdiction of the county court of Mobile county, passed the 17th December 1821;' which they have amended by adding a proviso at the end thereof; in which amendment they desire your concurrence.

They have also, read the third time and passed, a bill, originating in your honorable body, entitled 'an act for the government of the port and harbour of Mobile;' and have amended the same by adding a proviso at the end thereof; in which amendment they desire your concurrence.

Mr. Hopkins from the judiciary committee, to whom was referred a bill, to be entitled 'an act to lay a tax on all persons bringing negroes into this state for sale,' reported that it is inexpedient to pass said bill. Ordered to be laid on the table.

Mr. Powell obtained leave to introduce a bill, to be entitled 'an act authorizing the sale of lots relinquished in the town of Cahawba under the act of the 21st of November 1821;' which was read the first time.

Ordered. That said bill be made the order of the day for a third reading on Monday next.

On motion of Mr. Casey, the senate concurred in the amendments made by the House of Representatives to the bill, entitled 'an act to establish a public road from the house of John Gandie in Morgan County to Baltimore in Blount county;'

Ordered. that the House of Representatives be informed thereof.

On motion of Mr. Armstrong, the senate concurred in the amendments made by the House of Representatives to the bill, entitled 'an act extending the jurisdiction of the county court of Mobile county, passed 17th December, 1821.'

Ordered. that the House of Representatives be informed thereof.

On motion, the senate also concurred in the amendment made by the House of Representatives to the bill, entitled 'an act for the government of the Port and Harbour of Mobile.'

Ordered. that the House of Representatives be informed thereof.

A bill from the House of Representatives, entitled 'an act granting to John Fowler the right of running a steam ferryboat, and a row-boat or sail boat between the city of Mobile and the town of Blakeley;'

'An act concerning recognizances;'

'An act to establish a turnpike road leading from Lawrence county to intersect the military road at Pikesville in Marion county;' and

'An act supplementary to an act permanently to fix the seat of justice for the counties of Tuskaloosa and Perry, passed 27th Nov. 1821;' were severally read the first time.

Ordered. that said bills be made the order of the day for a second reading on Monday next.

Resolutions instructing our Senators, and requesting our Representa-

tives in Congress to procure the passage of a law imposing a tonnage duty on all vessels coming into the port of Mobile,' were read the second time, amended, and ordered to be engrossed for a third reading on Monday next.

A bill from the House of Representatives, 'entitled 'an act to repeal in part the statute of limitations in criminal cases,' was read the third and passed.

Ordered, that the House of Representatives be informed thereof.

A bill from the House of Representatives, entitled 'an act to compel clerks of the circuit and county courts to give bond and security within the time therein prescribed,' was read the third time.

Ordered, that said bill be laid on the table.

An engrossed bill, entitled 'an act to prescribe the mode of certifying executions from justices of the peace from one county to another,' was read the third time and passed. Ordered, that the title of said bill be as aforesaid, and that the same be sent to the House of Representatives for their concurrence.

An engrossed bill, entitled 'an act in relation to mortgaged property' was read the third time and passed. Ordered, that the title of said bill be as aforesaid, and that the same be sent to the House of Representatives for their concurrence.

An engrossed bill, entitled 'an act to authorize the administrators of John Lucas deceased, and the administrators of John Waugh, deceased, to sell real estate,' was read the third time and passed.

Ordered, that the title of said bill be as aforesaid, and that the same be sent to the House of Representatives for their concurrence.

Mr. Moore from the committee on enrolled bills, reported that said committee had examined,

'An act to authorize David Peoples to continue a toll bridge erected over Escambia creek in the county of Conecuh;' and

'An act to amend an act incorporating the town of Erie,' and found the same duly enrolled; which were accordingly signed by Mr. President.

An engrossed bill, entitled 'an act to alter the mode of drawing grand and petit jurors,' was read the third time and passed.

Ordered, that the title of said bill be as aforesaid, and that the same be sent to the House of Representatives for their concurrence.

An engrossed bill, entitled 'an act to provide for printing the laws and journals, and for other purposes,' was read the third time and passed.

Ordered, that the title of said bill be as aforesaid, and that the same be sent to the House of Representatives for their concurrence.

On motion of Mr. Conner, the bill to be entitled 'an act to repeal all acts or parts of acts now in force in this state requiring an oath to be taken on receiving a license to retail spiritous liquors,' was taken up.

Mr. Bibb moved, that the further consideration of said bill be indefinitely postponed; and on the question being put, it was decided in the negative.

Yeas 9

Nays 10.

The yeas & nays being desired, those who voted in the affirmative, are,

Mr. Bibb
Casey

Devereux
Metcalf

Murphy
Powell

Smith
Sullivan

Wood—9.

Those who voted in the negative, are,

Mr. President
Armstrong

Coas
Conner

Crabb
Hopkins

McCamy
M'Vay

Moore
Shackelford—10.

The following communication was received from His Excellency the Governor, by J. J. Pleasants, esq. secretary of State.

Executive Department, Dec. 13, 1822.

Gentlemen of the Senate,

In compliance with the resolution of the senate, requesting me to lay before you, such information as I may possess relative to the accounts between this State and the State of Mississippi, I have the honor herewith to lay before you all the information in possession of this department on the subject.

It will be seen by the concluding communication from the late Executive of Mississippi, to the late acting Governor of this state, that terms were proposed as "*a sine qua non to all further correspondence,*" which were at least unusual, if not unprecedented, in the diplomatic intercourse between sister states; and such, as in my opinion, required only a favorable occasion for being withdrawn by that government. This indeed appeared indispensable to the resumption of the correspondence on the part of this state, unless some further disposition of the subject were made by the legislature.

Although no resolution was finally passed since the former correspondence, I have thought it proper to present the subject to the Executive of Mississippi in a letter of which I lay before you an extract marked (X) to which no answer is yet received.

I have the honor to be, your most obedient,

ISRAEL PICKENS.

Ordered, that said communication, together with the accompanying documents, be referred to a special committee. Whereupon Messrs. Murphy, Moore, and Hopkins, were appointed said committee.

Mr. Coats offered the following resolution: 'Resolved, that the judiciary committee be instructed to inquire into the expediency of so altering the law as to authorize persons to prove their accounts for a larger sum than is now authorized by law, and report by bill or otherwise;' which was adopted.

On motion, the Senate adjourned till Monday morning 10 o'clock.

Monday, 16th December, 1822.

The senate met pursuant to adjournment.

Mr. Moore presented the petition of sundry inhabitants of Hazlegreen, in Madison county, praying the passage of a law authorizing a lottery for the purpose of building a masonic hall in said town; which was read and referred to a select committee, consisting of Messrs. Moore, Hopkins, and M'Vay.

Mr. Moore also presented the petition of sundry inhabitants of Limestone county, praying the incorporation of a company, to improve the navigation of Limestone river, in said county; which was read and referred to a select committee, consisting of Messrs. Moore, M'Camy and Powell.

Mr. Murphy presented the petition of James Magoffin, Esquire, claiming a seat in the Senate, from the district formed of the counties of Wilcox and Clarke, in the stead of Neal Smith, returned duly elected from said district; which was read and referred to the committee on privileges and elections.

Mr. M'Camy presented the petition of sundry inhabitants of Jackson county, praying the general assembly to memorialize Congress upon the subject of Indian reserves in said county; which was referred to a special committee, consisting of Messrs. M'Camy, Murphy and Hopkins.

Mr. Hopkins from the judiciary committee, who were instructed to prepare and report a bill, to establish and regulate justices courts, reported a bill, to be entitled 'an act to establish and regulate justices courts in this state;' which was read the first time.

On motion, *Ordered*, that said bill be made the order of the day for a second reading on to-morrow.

A message was received from the Governor by J. J. Pleasants, Esq. secretary of state, informing the Senate, that he did on the 14th instant approve and sign, 'an act concerning intestates' estates;' and 'an act to authorize Rosanna Lambkin and Elijah Hogan to convey to Isaac Jackson, a certain tract of land therein named.'

The following communication was also received from the Governor by J. J. Pleasants, Esq. secretary of state:

Executive Department, Dec. 14, 1822.

Gentlemen of the Senate:—In compliance with the resolution of the Senate requesting information relative to the vacancy in the office of Major General of the 4th division of the militia of this state, together with the cause thereof, I have the honor to observe, that on my entrance into this department, I found the proceedings of a court marshal which had been held at Claiborne, for deciding a contested election for the officer alluded to in the resolution of the Senate, in which the election was decided to be illegal. These proceedings had been for some time before the late acting Executive and were left by him without being determined upon.

It may be therefore readily imagined, that the difficulties of the case which had so long suspended the decision of my predecessor and eventually devolved upon me, would require from me much consideration. The result of the consideration was made known by the Executive General Order of the 20th December, 1821, heretofore published. By that order, it will appear that, among the causes for not approving the decision of the court was the ground that *the Court* was not constituted according to the statute under which it was authorized; and therefore, that its decision was void. The general order before mentioned was directed to the Adjutant General to direct a general court martial to be holden in the manner prescribed by law, for making the decision; leaving without restriction, to that officer, the selection and detail of the members of the court. Such court has been holden and its proceedings and decisions have been recently returned to this department. All the reflection has been given to the subject which a regard to other duties would permit.

The result has been set forth in the general order of the 13th instant, which is prepared for publication, of which a copy is herewith accompanied.

This explanation with the accompanying document will, it is presumed, furnish all the information requested by the Senate. The proceedings of the two courts martial though somewhat voluminous as well as all general and special orders respecting the same, will be furnished, should such be desired by the Senate.

I have the honor to be, your most obedient,

ISRAEL PICKENS.

Ordered, that said communication together with the accompanying documents, be referred to the military committee.

Mr. Sullivan from the select committee, to whom was referred a message

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of the Governor's message as relates to the loan from the Tombeckbe bank, reported a 'resolution concerning the loan from the Tombeckbe bank;' which was read the first time.

Ordered, that said resolution be made the order of the day, for a second reading on to-morrow.

Mr. Sullivan, from the special committee, appointed to examine into the situation of the state arsenal and the public arms therein, reported, that said committee have, according to order, performed that duty, and beg leave to report, that they find one hundred and thirty five stand of arms and bayonets in order fit for use; and thirty eight stand of arms and bayonets, in bad order, making a total of one hundred and seventy-three stand in the arsenal. Seventy stand of which are ordered by His Excellency to be sent to Fort Claiborne. The Quarter-master General informed your committee, that there were sixty stand of arms and bayonets in the hands of the Cahawba Guards. Those in bad order are among the number selected by the Quarter-master General to send to Fort Claiborne. The arsenal is dry and in good order.

They also report a resolution concerning the keeping in good order, the public arms; which was read the first time.

Ordered, that said resolution be made the order of the day for a second reading on to-morrow.

Mr. Armstrong from the select committee, to whom was referred the petition of sundry inhabitants of Mobile, reported a bill, to be entitled 'an act to authorize the judge of the county court of Mobile county, to appoint a public weigher for the city of Mobile;' which was read the first time. *Ordered*, that said bill be made the order of the day, for a second reading on to-morrow.

A Message from the House of Representatives, by Mr. Mead, a member thereof, informing the senate that they had read a third time and passed, 'An act to reduce the fees of certain officers therein named; in which they desire the concurrence of the senate.

Said bill was read the first time.

Ordered, that the same be made the order of the day, for a third reading on to-morrow.

Mr. Crabb obtained leave to introduce a bill, to be entitled 'an act to amend an act, entitled an act appointing commissioners to lay out a road on, or near the dividing line between the counties of Madison and Limestone, passed at Cahawba the 30th November 1820;' which was read the first time.

Ordered, that said bill be made the order of the day, for a second reading on to-morrow.

Mr. Sullivan obtained leave to introduce a bill, to be entitled 'an act to amend and reduce into one act the several acts concerning forcible entries and detainers;' which was read the first time.

Ordered, That said bill be made the order of the day for a second reading on to-morrow.

A bill from the House of Representatives, to be entitled 'an act to granting to John Fowler the right of running a steam ferryboat, and a row boat or sail boat, between the city of Mobile and the town of Blakeley,' was read the second time.

Mr. Armstrong moved to strike out all of the fifth section of said bill after the word 'carrying' and insert the following 'any person or persons, goods or chattels, free of ferriage, no charge in such case being

made either directly or indirectly by the party so transporting any person or persons, goods or chattels;' which was decided in the affirmative.

Ordered, that said bill be made the order of the day for a third reading on to-morrow.

A bill from the House of Representatives, to be entitled 'an act concerning recognizances,' was read the second time.

Ordered, that said bill be made the order of the day, for a third reading on to-morrow.

A bill, entitled 'an act to establish a Turnpike Road leading from Lawrence county to intersect the military road at Pikeville, in Marion county;' was read the second time.

Ordered, that said bill be committed to the committee on roads, bridges and ferries, to examine and report thereon.

Mr. Moore offered the following resolution. *Resolved*, that the comptroller of public accounts, be, and he is hereby, requested to lay before the senate, a statement showing the amount of money which has been vested in the town council of Cahawba by the fourth section of an act authorizing the collection of toll at the Cahawba bridge, passed on the 16th day of June, 1821, together with all the information in his possession, relating to the rents of the ferries within the town of Cahawba, and the rents of the reserved lands adjacent to said town, since the passage of said act; which was adopted.

Mr. Bibb obtained leave to introduce a bill, to be entitled 'an act to authorize Jacob Dust to emancipate a female slave therein named;' which was read the first time.

Ordered, That said bill be made the order of the day, for a second reading on to-morrow.

Mr. Armstrong obtained leave to introduce a bill, to be entitled 'an act to authorize the judge of the county court of Mobile county to take possession of the Spanish records;' which was read the first time.

Ordered, that said bill be made the order of the day for a second reading on to-morrow.

A bill from the House of Representatives, to be entitled 'an act permanently to fix the seat of justice for the counties of Tuskaloosa and Perry, passed 27th November 1821,' was read the second time.

Ordered, That said bill be made the order of the day for a third reading on to-morrow.

A bill, to be entitled 'an act to authorize the sale of lots relinquished in the town of Cahawba, under an act of the 21st November 1821,' was read the second time.

Ordered, that said bill be committed to a committee of the whole house and made the order of the day for Wednesday next.

Engrossed resolutions instructing our Senators, and requesting our Representatives in Congress to procure the passage of a law imposing a tonnage duty on all vessels coming into the port of Mobile,' was read the third time and passed.

Ordered, That the title of said resolutions be as aforesaid, and that the same be sent to the House of Representatives for their concurrence.

On motion of Mr. Metcalf, the bill entitled 'an act for the relief of Robert Coyle,' was taken up.

Ordered, that said bill, together with the accompanying documents be recommitted to the committee on propositions and grievances.

Mr. Shackelford, from the committee appointed to lay off the state into Congressional Districts, made the following report.

"The committee appointed to lay off the state into Congressional Districts—report, that should the state be allowed three representatives under the conditional act of Congress, the following counties shall compose said districts:

The first District to be composed of the counties of Madison, Jackson, Decatur, Limestone, Lauderdale & Lawrence. The second district to be composed of the counties of Morgan, Franklin, Marion, Pickens, Tuscaloosa, Jefferson, Bibb, Autauga, Perry, Shelby, Greene, Blount and St. Clair: And the third district to be composed of the counties of Mobile, Washington, Clarke, Monroe, Wilcox, Butler, Conecuh, Henry, Covington, Pike, Montgomery, Dallas, Baldwin and Marengo.

The committee further report, that should the state be allowed only two representatives, the following counties shall compose said districts—The first district to be composed of the counties of Madison, Jackson, Decatur, Limestone, Lauderdale, Lawrence, Morgan, Franklin, Marion, Pickens, Jefferson, Blount and St. Clair: And the second district to be composed of the counties of Tuscaloosa, Bibb, Green, Perry, Shelby, Autauga, Marengo, Baldwin, Dallas, Montgomery, Henry, Covington, Pike, Conecuh, Butler, Wilcox, Monroe, Clarke, Washington and Mobile.

JACK SHACKLEFORD, *Chairman.*

Ordered, that said report be laid upon the table.

On motion of Mr. Casey, the bill to be entitled 'an act to compel clerks of the circuit and county courts to give bond and security within the time therein prescribed;' was taken up, and read the third time.

Mr. Casey offered an amendment to said bill by way of rider, compelling sheriffs to give bond and security for the faithful performance of the duties of their office; which was read three several times and adopted.

Mr. Moore offered an additional section to said bill, by way of rider, which was read three several times and adopted. Said bill was then passed as amended.

Ordered, that the Secretary notify the House of Representatives thereof, and desire their concurrence in the amendments made thereto.

On motion, the Senate adjourned until to-morrow morning 10 o'clock.

Tuesday, December 17, 1822.

The senate met pursuant to adjournment.

Mr. Casey presented the petition of sundry persons residing in the vicinity of Selma, praying to be exempted from working on roads and streets within the limits of said town.

On motion of Mr. Casey, the bill, entitled 'an act to exempt the citizens of the town of Selma from working on public roads beyond the limits of said town;' was taken up.

Said bill was read the third time and passed.

Ordered, That the House of Representatives be informed thereof.

In pursuance of an order of the Senate, Mr. Hopkins, from the judiciary committee, reported a resolution proposing to the people of the state of Alabama, changes in the constitution of this state, therein mentioned; which was read the first time.

Ordered, that said resolution be made the order of the day for a second reading on to-morrow.

Mr. Bibb, from the committee on propositions and grievances, to whom was recommitted the bill, entitled 'an act for the relief of Robert Coyle, together with the accompanying documents, made a report recommending the passage of said bill, which was concurred in.

Said bill was then read the third time and passed.

Ordered, that the House of Representatives be informed thereof.

Mr. Shackelford, from the committee appointed to lay off the state into Congressional Districts, to whom was referred a resolution instructing them to inquire into the expediency of altering the mode of electing electors of President and Vice-President, reported, that it is unnecessary to pass any law on the subject at this time.

And on the question being put on concurring in said report, it was decided in the affirmative.

Yeas 14

Nays 5.

The yeas & nays being desired, those who voted in the affirmative, are,

| | | | | |
|---------------|---------|---------|-------------|----------|
| Mr. President | Crabb | M'Vay | Murphy | Smith |
| Armstrong | Hopkins | Metcalf | Powell | Wood—14. |
| Bibb | M'Camy | Moore | Shackelford | |

Those who voted in the negative, are,

| | | | | |
|-----------|-------|--------|----------|-------------|
| Mr. Coats | Casey | Conner | Devereux | Sullivan—5. |
|-----------|-------|--------|----------|-------------|

Mr. M'Vay presented the account of Richard B. Doyle, jailer of Lauderdale county, against the state; which was referred to the committee on accounts.

Mr. Powell presented the account of William R. Colgin, against the state: which was referred to the committee on accounts.

On motion of Mr. Hopkins, the bill entitled 'an act to authorize Brice M. Garner to build a certain toll bridge therein named, was taken up.

Mr. Hopkins moved, that the Senate disagree to the report made by the committee on roads, bridges and ferries, on said bill, which was decided in the affirmative. Said bill was then read the third time.

Mr. Bibb offered the following amendment to said bill by way of rider, 'Provided, that all bills on the Fayetteville Bank, in Tennessee, shall be negotiable at said bridge;' which was rejected. The question was then put, Shall said bill pass? and decided in the negative.

Mr. Moore obtained leave to introduce a bill, to be entitled 'an act for the relief of the tax collectors of Limestone and Madison;' which was read the first time. Ordered, that said bill be made the order of the day for a second reading on tomorrow.

'Resolutions, concerning the keeping in good order the public arms,' were read the second time. Ordered, that said resolutions be referred to the military committee to examine and report thereon.

'Resolutions concerning the loan from the Tombeckbe Bank,' were read the second time. Mr. Shackelford offered the following amendments to said resolutions: 'And be it further resolved, that when the said loan shall be effected, one half thereof shall be deposited in the State Treasury.'

Mr. Moore offered the following proviso to said amendment: 'Provided, said loan shall not exceed the amount already made to the state, at any time hereafter;' which was rejected. The question was then put on the adoption of the amendment offered by Mr. Shackelford, and decided in the affirmative. Ordered, that the same be engrossed and made the order of the day for a third reading on Friday next.

A bill, to be entitled 'an act to establish and regulate justices courts,' was read the second time. Ordered, that said bill be laid upon the table, and that forty copies thereof be printed.

A bill, to be entitled 'an act to authorize the Judge of the county court of Mobile county, to appoint a public weigher for the city of Mobile,' was read the second time. Ordered, that said bill be engrossed and made the order of the day for a third reading on to-morrow.

A bill, entitled 'an act to reduce the fees of certain officers therein named,' was read the second time. Ordered, that said bill be laid upon the table.

A bill, to be entitled 'an act to amend an act entitled an act appointing commissioners to lay out a road on, or near the dividing line between the counties of Madison and Limestone, passed at Cahawba, 30th November 1820,' was read the second time. Ordered, that said bill be engrossed and made the order of the day for a third reading on tomorrow.

A bill, to be entitled 'an act to amend and reduce into one, the several acts concerning forcible entries and detainers,' was read the second time. Ordered, that said bill be laid upon the table.

A bill, to be entitled 'an act to authorize Jacob Dust to emancipate a female slave therein named,' was read the second time. Ordered, that said bill be engrossed and made the order of the day for a third reading on tomorrow.

A bill, to be entitled 'an act to authorize the judge of the county court of Mobile county, to take possession of the Spanish records,' was read the second time. Ordered, that said bill be engrossed and made the order of the day for a third reading on tomorrow.

On motion of Mr. Casey, the committee of the whole was discharged from the consideration of the bill, to be entitled 'an act to appoint commissioners to lay out two roads from the ford of Line creek, the one to Coffeeville, the other to Tuscaloosa.' Mr. Casey moved to strike out all of the first section of said bill after the word "that" and insert the following: 'John Hardy, Parson Davis, Henry Adams, Capt. Grumbles, and Lewis Johnson, or a majority of them, be, and they are hereby, appointed commissioners to view and mark out a way for a road from the town of Cahawba, to run the nearest and best way the country will admit of, to Daniel Hardy's on Old-town creek. That James Pinkston, William Bennett, Seymore Powell or a majority of them, be, and they are hereby, appointed commissioners to view and mark out a way for a road, to run the nearest and best way the country will admit of, from Daniel Hardy's on Old-town creek, to intersect the Federal road leading to Line creek, in Montgomery county.'

"And that James Bell, Barney Johnson, Matthew Jones, John Kelly and John Gayle, or a majority of them, be and they are hereby, appointed commissioners to view and mark out a way for a road to run the nearest and best way the country will admit of, to the county line of Dallas county, in the direction to Coffeeville. And that Alexander M'Leod, John Barner, William Taylor, John Heart, William Sillman, or a majority of them be, and they are hereby, appointed commissioners to view and mark out a way for a road the nearest and best way the country will admit of, from Coffeeville, to intersect the road from the town of Cahawba to the county line west of Cahawba;" which was decided in the affirmative.

Mr. Casey offered the following additional section as an amendment to said bill:—"And be it further enacted, That the commissioners appointed by this act, shall, so soon as they shall have marked out the roads assigned them, make report to the county court, who shall order the apportioners to apportion hands to cut out and keep in repair the said roads;" which was adopted.

Mr. Shackelford moved to fill the blank in the second section with the names of "Joshua Hagerty, Benjamin Wilson, Robert Hill, Isaac Suttles, and Jesse Hill;" which was decided in the affirmative.

Mr. Powell offered the following amendment to the last section of said bill, "but that they shall receive such compensation from their counties respectively, as may be by the courts thereof, adjudged;" which was adopted. Ordered to be engrossed for a third reading on to-morrow.

Mr. Bibb obtained leave to introduce a resolution for the relief of Anderson Creushaw; which was read the first time. Ordered, that said resolution be made the order of the day for a second reading on to-morrow.

A bill from the House of Representatives, entitled 'an act supplementary to an act permanently to fix the seat of justice for the counties of Tuscaloosa and Perry, passed 27th November, 1821,' was read the third time and passed. Ordered, that the words 'so far as relates to Perry county,' be added to the title of said bill, and that the same be sent to the House of Representatives for their concurrence.

A bill from the House of Representatives, entitled 'an act concerning recognizances,' was read the third time. Ordered, that said bill be laid on the table for the present.

A bill from the House of Representatives, entitled 'an act granting to John Fowler the right of running a steam ferry-boat, and a row-boat or sail boat, between the city of Mobile and the town of Blakeley,' was read the third time. Mr. Casey moved to amend said bill by way of rider, by inserting after the words 'county court,' wherever they occur in said bill, the words "and commissioners of the revenue and roads," which was decided in the affirmative. Said bill was then passed as amended.

Ordered, that the Secretary acquaint the House of Representatives thereof, and desire their concurrence in the amendments made thereto.

Mr. Shackleford presented the memorial of the trustees of the University of this state, recommending several sites as suitable places for the location of the University. Ordered, that said memorial be laid upon the table.

On motion of Mr. Moore the memorial of the trustees of the University presented on a former day and laid on the table, was taken up and referred to the committee on schools and colleges, and school and college lands.

Ordered, that Messrs. Crabb and Armstrong be added to the committee on schools and colleges, and school and college lands.

An engrossed bill to be entitled 'an act to repeal all acts or parts of acts now in force in this state requiring an oath to be taken on receiving a license to retail spiritous liquors,' was read the third time and passed.

Yeas 10

Nays 9.

The yeas and nays being desired, those who voted in the affirmative, are,

| | | | | |
|---------------|--------|---------|--------|-----------------|
| Mr. President | Coats | Crabb | M'Camy | Moore |
| Armstrong | Conner | Hopkins | M'Vay | Shackleford—10. |

Those who voted in the negative, are,

| | | | | |
|----------|----------|--------|----------|--------|
| Mr. Bibb | Devereux | Murphy | Smith | Wood—9 |
| Casey | Metcalf | Powell | Sullivan | |

Ordered, that the title of said bill be as aforesaid, and that the same be sent to the House of Representatives for their concurrence.

Mr. Armstrong presented the petition of Edwin Lewis; which was read and referred to a select committee, consisting of Messrs. Armstrong, Bibb, Hopkins, Moore and Murphy.

Mr. Shackleford, from the committee, appointed to lay off the state into congressional districts, reported a bill, to be entitled 'an act to divide the state into districts for electing Representatives to Congress,' which was read the first time.

Ordered, that said bill be engrossed, and made the order of the day for a third reading on tomorrow.

On motion, the senate adjourned till to-morrow morning 10 o'clock.
Wednesday, December 18.

The Senate met pursuant to adjournment.

Mr. Murphy from the committee on schools and colleges and school and college lands to whom was committed the bill to be entitled 'an act for the payment of the commissioners of seminary lands in the county of Perry for the years 1821 and 1822,' reported the same with an amendment, which was concurred in.

Ordered, that said bill be engrossed and made the order of the day for a third reading on to-morrow.

Mr. Casey, from the committee on roads, bridges, and ferries, to whom was referred a bill entitled 'An act to establish a turnpike road leading from Lawrence county to intersect the military road at Pikesville in Marion county;' reported the same with sundry amendments, which were concurred in.

Ordered that said bill be engrossed and made the order of the day for a third reading on to-morrow.

Mr. Murphy from the committee on schools and colleges and school and college lands to whom was referred the petition of sundry inhabitants of Madison county, praying such alteration of the laws as may give to the inhabitants of the several townships in this state a more equal and impartial distribution of the funds arising from the 16 sections, reported that they have had the same under serious consideration, and find that by the existing laws the agents are required to establish schools in the townships wherever the convenience of the inhabitants, and the equal and beneficial distribution of the funds may require.—That the hardships which may occur, must result from the injudicious arrangements of the agents or from peculiar local circumstances which the agents are unable to control. In the one case the people have it in their own hands, because they appoint their agents, and can change them, in the other, no legislative provision would probably be effectual. Your committee are therefore of opinion that the existing laws in the present situation of the country, are sufficient in the case.

(Signed)

J. MURPHY, Chairman.

Mr. Moore moved, that the senate disagree to said report; which was decided in the negative.

Mr. Murphy, from said committee, to whom was referred the petition of sundry inhabitants of Perry county, praying an extension of their leases, made the following report.

That they have had the same under consideration, and are of opinion that as any interference in the case on the part of the General Assembly, would effect the rights of the township, arising under the lease taken by the parties, it is inexpedient to grant the prayer of the petitioner; which was concurred in.

A Message from the House of Representatives, by Mr. Davis, a member thereof:

Mr. President and Gentlemen of the Senate,

I am instructed by the House of Representatives, to inform your honorable body, that they have read a third time and passed, bills and a memorial originating in this house, of the following titles, to wit:

'An act authorizing pay to the Trustees of the State University for their services;'

'An act to raise a revenue for the support of Government for the year 1823;' and

A memorial to the Congress of the United States, on the subject of treating with the Cherokee Indians for a cession of a part of their territory; in all of which they desire the concurrence of your honourable body,

Mr. Hopkins, from the judiciary committee, to whom was referred a resolution of the senate, concerning stray laws, reported a bill, to be entitled 'an act amendatory of the laws now in force concerning strays;' which was read the first time.

Ordered, That said bill be made the order of the day for a second reading on to-morrow.

Mr. Hopkins, from said committee, to whom was referred a bill, to be entitled 'an act for the regulation of assessors and tax collectors so far as the same relates to the payment of money,' reported the same with sundry amendments, which were concurred in.

Ordered, that said bill be engrossed and made the order of the day for a third reading on to-morrow.

A memorial from the House of Representatives, of the Legislature of the State of Alabama, to the Senate and House of Representatives of the United States, was read the first time.

Ordered, that said memorial be made the order of the day for a second reading on tomorrow.

A bill from the House of Representatives, to be entitled 'an act authorizing pay to the Trustees of the State University for their services,' was read the first time.

Ordered, that said bill be made the order of the day for a second reading on to-morrow.

A bill from the House of Representatives, entitled 'an act to raise a revenue for the support of government for the year 1823.' was read the first time.

Ordered, that said bill be made the order of the day for a second reading on tomorrow.

On motion of Mr. Armstrong, the bill to be entitled 'an act to alter the times of holding courts in the first judicial circuit,' was taken up.

Ordered, that said bill be engrossed and made the order of the day for a third reading on tomorrow.

Mr. Crabb obtained leave to introduce a bill, to be entitled 'an act to provide for compensating witnesses in criminal cases;' which was read the first time.

Ordered, that said bill be made the order of the day for a second reading on to-morrow.

Mr. Armstrong obtained leave to introduce a bill, to be entitled 'an act for the more easy obtaining testimony;' which was read the first time.

Ordered, that said bill be made the order of the day for a second reading on to-morrow.

Mr. Powell offered the following resolution: 'Resolved, that the committee on schools and colleges and school and college lands, be instructed to inquire into the propriety of so altering the law providing for the appointment of agents of the sixteenth sections in this state, as to authorize the agents thereof, to enter into bonds before, and be qualified by, justices of the peace in certain cases; and to shorten their term of service;' which was adopted.

Mr. Murphy moved, that the bill, entitled 'an act to prevent frivolous and vexatious law suits,' be returned to the House of Representatives for correction: which was decided in the affirmative.

Mr. Casey obtained leave to introduce a bill, to be entitled 'an act to amend and repeal in part the several acts concerning roads &c.' which was read the first time.

Ordered. That said bill be made the order of the day, for a second reading on to-morrow.

Mr. Sullivan obtained leave to introduce a bill, to be entitled 'an act in relation to the securities of sheriffs, clerks, and other officers;' which was read the first time.

Ordered, that said bill be made the order of the day for a second reading on to-morrow.

* On motion of Mr. Conner, the bill to be entitled 'an act repealing an act making an appropriation to Col. Samuel Dale,' was taken up.

On motion of Mr. Crabb. *Ordered,* that said bill be committed to a special committee to examine and report thereon.

Whereupon. Messrs. Crabb, M'Vay and Moore, were appointed.

The following communication was received from His Excellency the Governor, by J. J. Pleasants, esq. secretary of State, which was read and is as follows:

Executive Department, Dec. 18. 1822.

Gentlemen of the Senate, and of the House of Representatives,

The act of Congress passed at the last session, providing for the payment to this state of three per cent of the nett proceeds of sales of land made since the first day of September 1819, directs that such payment shall be made by the Secretary of the Treasury, from time to time, and whenever the quarterly accounts of the several land offices in the state shall be settled, to such person or persons as may or shall be authorized by the Legislature of the state to receive the same.

To meet the provisions of the act of Congress, it will become necessary for the General Assembly to pass a law authorizing some person, or persons to receive this fund. I submit whether the State Treasurer may not be a suitable agent to be designated to that trust: being required to set it apart in the treasury, subject only, to specific appropriations, and those applicable only to the objects for which this fund was designed.

The payment of this sum is subjected, by the act authorizing it, to a limitation which possibly may suspend it for some time: concerning the situation of which I hoped before this time to have been able to lay before you the statement of the Treasury Department.

The fund in question being applicable only to the making of public roads and improving internal navigation, a portion of it cannot be so early realized; at no period can it be more needed than at the present. Several highly necessary leading roads were directed by the acts of last session, and the same policy of improving our land communications is observable at the present session also. It may likewise be remarked that a portion of an appropriation, payable out of this fund by the act of the 13th December, 1819, yet remains unexpended: this had been applicable to the examination of certain rivers, and of communications by land between them.

By the reports of the commissioners who have laid out certain state roads conformably to the law of last session, some appropriation will be necessary to open certain sections of those roads lying out of the reach

settlements; a comparatively small sum may answer this purpose, being prudently employed in the hire of working hands by the month, under one or more judicious overseers.

Connected with this subject, I would suggest, that it might very materially aid in the improvement of our roads and navigation, if such provision were made by law, whereby slaves illegally imported or otherwise introduced, should be employed in this species of service, under suitable agents, until otherwise disposed of according to law.

I have the honor to be, your most obedient.

ISRAEL PICKENS.

Ordered, that said communication be referred to the select committee appointed on so much of the Governor's message as relates to the three per cent. fund.

Mr. President laid before the Senate the following communication from the Comptroller of Public accounts :

Comptroller's Office, Dec. 18, 1822.

Sir, In obedience to a Resolution of the Senate, requesting the Comptroller of public accounts to lay before that body, a statement showing the amount of money which has been vested in the Town Council of Cahawba, by the fourth section of an act authorizing the collection of toll at the Cahawba bridge, passed the 16th day of June 1821 together with all the information in his possession, relating to the rents of the ferries within the town of Cahawba, and the rents of the reserved lands adjacent to said town, since the passage of said bill, I have the honor to state, that the rents transferred to the town council of Cahawba, from this office in pursuance of said act, amounted to \$1404. The commissioners having made no returns of the rents of the ferries and reserved lands, since the passage of the act of June 1821. I am not in possession of any information whatever in relation to those rents.

I am very respectfully, your most obedient servant.

(Signed)

SAMUEL PICKENS, Comptroller.

The Hon. NICHOLAS DAVIS, President of the Senate.

Ordered, that said communication be laid upon the table.

On motion of Mr. Murphy, the bill to be entitled 'an act to amend an act passed Dec. 17, 1821,' was taken up.

Said bill was then read the third time and passed.

Ordered, that the title of said bill, be 'an act to amend the act passed 17th Dec. 1821, entitled an act to appoint commissioners to lay out certain roads therein specified, and for other purposes,' and that the same be sent to the House of Representatives for their concurrence.

Mr. Metcalf obtained leave to introduce a bill, to be entitled 'an act changing the name of Big-spring in Franklin county;' which was read the first time.

Ordered, That said bill be made the order of the day for a second reading on to-morrow.

The senate according to order, resolved itself into a committee of the whole, on the bill, to be entitled 'an act authorizing the sale of lots relinquished in the town of Cahawba, under an act of the 21st November 1821,' Mr. Moore in the chair; and, after some time spent in the consideration thereof, the committee rose, and Mr. Moore reported the same as amended; which report was concurred in.

Ordered, that said bill be engrossed and made the order of the day for a third reading on to-morrow.

On motion the senate adjourned till 3 o'clock.

Evening—3 o'clock.

The Senate met pursuant to adjournment.

Resolutions proposing to the people of Alabama, changes in the constitution of this state therein mentioned, were read the second time.

Ordered, that said resolutions be committed to a committee of the whole house, and made the order of the day for to-morrow.

A bill, to be entitled 'an act for the relief of the tax collectors of Limestone and Madison,' was read the second time.

Mr. McVay moved to amend said bill by inserting the word 'Lauderdale' between the words 'Limestone and' in said bill; which motion was decided in the affirmative.

Mr. McCamy offered an additional section as an amendment to the said bill; which was adopted.

Mr. Moore offered an additional section as an amendment to said bill, which was adopted.

Mr. Conner offered the following resolution: 'Resolved, by the Senate, that no new business shall be introduced in this House after the 21st instant.'

Mr. Smith moved to amend said resolution by adding the words 'of a private nature' at the end thereof; which was lost.

The question was then put on the adoption of said resolution, and decided in the affirmative.

A bill, to be entitled 'an act to divide the state into districts for electing representatives to congress,' was read the second time.

Mr. Powell moved to amend said bill, by striking out 'Pickens county' and inserting it after 'Tuskaloosa' in the 11th section of said bill so as to place said county in the southern district; which was decided in the affirmative.

Mr. Armstrong moved to amend said bill, by inserting the words 'to be called 'the northern district' after the words 'Lauderdale, Lawrence &c.' and by inserting the words 'to be called the middle district' after the words 'Perry, Greene, Marion &c.' and by inserting the words 'to be called the southern district' after the words 'Mobile, Baldwin &c.' which was decided in the affirmative.

Mr. Moore moved to amend to said bill, by striking out 'Lawrence' from the northern district, and inserting 'Morgan and Blount,' in lieu thereof; which was decided in the negative.

Mr. Bibb moved to amend said bill, by transferring Autauga county to the Southern district, and Marengo to the middle district; which was decided in the negative.

Yeas 6

Nays 12.

The yeas & nays being desired, those who voted in the affirmative, are,

Mr. Bibb
Coats

Devereux
McCamy

McVay
Metcalf—6.

Those who voted in the negative, are,

Mr. President
Armstrong
Casey

Crabb
Hopkins
Moore

Murphy
Powell
Shackleford

Smith
Sullivan
Wood—12.

Mr. Casey offered an amendment to the 11th section of said bill, by striking out all after the word 'who' and inserting the following, 'has not been a resident of the district months previous to his election; which was rejected.'

Ordered that said bill be engrossed and made the order of the day for a third reading on to-morrow.

An engrossed bill to be entitled 'an act to authorize the judge of the county court of Mobile to take charge of the Spanish records,' was read the third time and passed.

Ordered, that the title of said bill be as aforesaid, and that the same be sent to the House of Representatives for their concurrence.

An engrossed bill, to be entitled 'an act to authorize Jacob Dust to emancipate a female negro slave therein named,' was read the third time and passed.

Ordered, that the title of said bill be as aforesaid, and that the same be sent to the House of Representatives for their concurrence.

An engrossed bill, to be entitled 'an act to appoint commissioners to lay out two roads from the ford of Line-creek; the one to Coffeeville; the other to Tuscaloosa,' was read the third time and passed.

Ordered, that the title of said bill be as aforesaid, and that the same be sent to the House of Representatives for their concurrence.

An engrossed bill, to be entitled 'an act authorizing the Judge of the county court of Mobile county, to appoint a public weigher for the city of Mobile,' was read a third time.

Mr. Powell offered the following amendment to said bill, by way of rider:

'Provided, that nothing in this act contained, shall be intended to force persons to have their cotton and other produce weighed by the aforesaid weigher, or have damages thereon assessed, unless they shall think proper so to do;' which was read three several times and adopted.

The bill was then passed.

Ordered, That the title of said bill be as aforesaid, and that the same be sent to the House of Representatives for their concurrence.

An engrossed bill, to be entitled 'an act to amend an act, entitled an act appointing commissioners to lay out a road on, or near the dividing line between the counties of Madison and Limestone, passed at Cahawba the 30th November 1820;' was read the third time and passed.

Ordered, that the title of said bill be as aforesaid, and that the same be sent to the House of Representatives for their concurrence.

A resolution for the relief of Anderson Crenshaw, was read the second time, amended, and ordered to be engrossed for a third reading on to-morrow.

On motion the Senate adjourned till to-morrow morning 10 o'clock.

Thursday, Dec. 19, 1822.

The Senate met pursuant to adjournment.

Mr. Bibb, from the committee on propositions and grievances, to whom was referred the petition of sundry inhabitants of Butler county, praying representation in the General Assembly of this state, reported, that no evidence has been laid before your committee showing that the population of said county was, at the time of taking the last census, equal to the ratio established by law, to give the right to a representative. They therefore, think it inexpedient to pass a law giving a representative to said county at present, which was concurred in.

Mr. Wood from the committee on county boundaries, to whom was referred a bill, entitled 'an act to alter and extend the boundaries of Wilcox county;' reported the same without amendment.

Ordered that said bill be recommitted to said committee.

Mr. Murphy obtained leave to introduce a bill, to be entitled 'an act to increase the compensation of certain commissioners appointed by an act entitled an act to appoint commissioners to lay out certain roads therein specified, and for other purposes,' passed 17th Dec. 1821. Ordered, that the said bill, be read a third time tomorrow.

Message from the House of Representatives by Mr. Davis:

Mr. President—I am instructed by the House of Representatives, to inform your honourable body, that they have adopted the following resolution: 'Resolved, that with the concurrence of the Senate, the two houses will convene in the Representative Hall, on Friday next at the hour of 4 o'clock, P. M. for the purpose of electing a Comptroller of Public Accounts and a State Treasurer.' In which they desire the concurrence of your honourable body.

Mr. Hopkins, from the joint committee appointed to examine the manuscript copy of the Digest of the laws of this state, compiled by the Hon. Harry Toulmin, made the following report: The joint committee of both houses, to whom was referred a joint resolution, directing them to examine the manuscript digest of the statute laws of this state, by Harry Toulmin, Esq. report: That they have read and examined the digest of the statute laws prepared by Harry Toulmin under an appointment of the last legislature, and find that the statute laws of this state are digested by him with accuracy, correctness, and with much ability; the arrangement of the different acts under their proper heads meets the approbation of your committee: and they are of the opinion, that the plan of the present digest is far superior to that of the late Mississippi digest now in use in this state. Convinced as your committee are, of the correctness and importance of the present work, and that the public good loudly calls for a work of its character and description, and aware of the very great scarcity of the Mississippi digest, and that in many parts of our state it is almost impossible to know what the law is, your committee beg leave to report a bill concerning the said digest. The bill was read the first time. Ordered, to be read a second time on to-morrow.

Mr. Smith obtained leave to introduce a resolution for the encouragement of domestic manufactures. Ordered, that said resolution be read a second time on to-morrow.

Mr. Bibb offered the following resolution: Resolved that the commissioners of the land reserved for the town of Cahawba, be required to lay before the Senate, a statement of the amount paid, or now due for digging down the ferry landing opposite first North and Arch streets in said town: which was adopted.

Mr. M'Camy obtained leave to introduce a bill, to be entitled 'an act the better to designate the line between the counties of Jackson and Decatur. Ordered, that the said bill be read the second time on to-morrow.

On motion of Mr. Conner, the petition and report, made by the committee on propositions and grievances on the case of Arnold Thomason, and Austin Hood was taken up, and recommitted to said committee.

Mr. Crabb, from the special committee to whom was referred the bill, to be entitled 'an act repealing an act making an appropriation to Colonel Samuel Dale;' reported, That they have had the same under consideration, and after giving the subject that deliberation to which it is entitled from the meritorious services of the distinguished individual involved in it, your committee do not hesitate to say that they highly approve the grateful feelings expressed by the General Assembly to colonel Samuel

Dale, at their last session for the meritorious services rendered by him to this state in the early settlement of the country, at a time when the United States were engaged in a war with a merciless and savage enemy whose acknowledged mode of warfare consigns alike to the tomahawk and scalping knife the helpless and unoffending of all ages and sexes; and whilst they acknowledge the claims of colouel Samuel Dale to the gratitude and highest regard of the citizens of this state, your committee appreciate his exploits in the defence of his country, which for its gallantry it was never probably surpassed, and which has already enlisted the canvass and the pencil, and at no distant day will brighten the page of American history with acts of benevolence and patriotism which have never been surpassed in any age or country.

Your committee are sensible that Col. Samuel Dale has just claims to the gratitude of his country from these and many other considerations, and your committee in recommending a repeal of the law which was passed the last session of the General Assembly, allowing a pension to Col. Samuel Dale are sensible of the difficulty which they have to escape the censure of ingratitude which has been too often a stigma on republics; but they have to remark that it appears to your committee that no precedent is more dangerous in government than the establishing of a pension list, from the great number of indigent individuals who have distinguished themselves in this and many other states encouraged by the example, would it is believed, throw themselves upon the bounty of their respective States, and while it is acknowledged that none could be found whose services were more useful than Col. Samuel Dale's; yet it is believed that many could be found whose pecuniary situation is more desperate, who are highly deserving, and to whom it would not be good policy to extend the like favors. The public is a treasure is a fund drawn alike from the poor and rich, and never was designed for charitable purposes; and as this was a donation given without the request or solicitation of Col. Samuel Dale, it is believed by your committee that it cannot be considered a reflection on the merits or worth of that distinguished individual to withdraw it; as it is believed by your committee that the expression of the lively sense in which the services of Colonel Samuel Dale are held by his fellow citizens (which we are bound to say has not nor never can be diminished) is far more grateful to the feelings of this hero than any pecuniary reward which can be given. They therefore beg leave to report the bill as amended. The question was then put on concurring in the amendments made by the committee to the said bill, and decided in the affirmative.

Mr. Babb moved, that the further consideration of said bill, be postponed until the 1st day of June next; which was decided in the negative.

Yeas 9

Nays 10.

The yeas and nays being desired, those who voted in the affirmative, are,

Mr. President
Armstrong

Babb
Casey

Devereux
Hopkins

Murphy
Shackleford

Smith—9.

Those who voted in the negative, are,

Mr. Coats
Conner

Crabb
McCamy

McVay
Metcalf

Moore
Powell

Sullivan
Wood—10.

Mr. Armstrong moved to strike out so much of the bill as proposes to repeal that part of the former law which allowed Col. Samuel Dale half the pay of a colonel in the United States army; which was decided in the negative. Yeas 9—Nays 10.

The yeas and nays being desired, those who voted in the affirmative, are,

Mr. President
Armstrong

Biob
Casey

Derereux
Hopkins

Murphy
Shackleford

Smith—9.

Those who voted in the negative, are,

Mr. Coats
Conner

Crabb
M'Camy

M'Vay
Metcalf

Moore
Powell

Sullivan
Wood—10.

Ordered, that said bill be engrossed, and made the order of the day for a third reading on to-morrow.

A Message from the House of Representatives, by Mr. Dodson, their clerk:

Mr. President—I am instructed to inform your honorable body that 'an act to prevent frivolous and vexatious law suits,' has received no amendment in the House of Representatives.

Mr. Sullivan obtained leave to introduce a resolution for the convenience of John A. Elmore. *Ordered*, That said resolution be read the second time on to-morrow.

Mr. Moore, from the committee on enrolled bills, reported that said committee had examined,

'An act for the trial of the right of property taken by virtue of an execution or attachment and claimed by a person not a party to the suit;' and

'An act to manumit a negro woman slave Margaret, and her children;' & found the same correctly enrolled, which were signed by Mr. President.

A bill, to be entitled 'an act amendatory of the laws now in force concerning strays,' was read the second time, and ordered to be engrossed for a third reading on to-morrow.

On motion of Mr. Sullivan, the bill to be entitled 'an act to amend and reduce into one act, the several acts concerning forcible entries detainers,' was taken up and referred to the judiciary committee.

On motion the senate adjourned 'till 3 o'clock P. M.

3 o'clock, P. M.

The Senate met pursuant to adjournment.

On motion the Senate concurred in the resolution of the House of Representatives, proposing to go into the election of a comptroller of public accounts, and a state treasurer, on Friday next at 4 o'clock, P. M.

Ordered, that the House of Representatives be informed thereof.

Mr. Crabb obtained leave to introduce a resolution, providing for the organization of the 39th regiment of Alabama militia. *Ordered*, That said resolution be read the second time on to-morrow.

On Motion of Mr. Casey, the report of the Trustees of the State University, in regard to the location of the University was taken up, and ordered to be spread upon the Journal, which is as follows:

To the Honorable General Assembly of the State of Alabama.

The Trustees of the University in compliance with the law requiring them to report a suitable place or places for the location of the institution, respectfully report:

That should the General Assembly consider it expedient to locate the University in the Northern part of the State, the board consider Athens, or some place near it, in Limestone county, most suitable.

That should the General Assembly consider it expedient to locate the institution in the middle section of the State, the board conceive the following places most suitable, viz:—some point within Township 17 and Range 18 in Autauga county—Wilson's Hill in Shelby county—the place called Gages' in Perry county—and some place near the town of Tuscaloosa.

The board forbear to enter into a detail of facts to show how far each of the places recommended possesses the several requisites pointed out by the

of assembly, or the relative advantages of each. Though each of the places is known to some member of the board, there is none of them of which all the members, by personal observation on the spot, and through the adjacent country, have acquired such information as enables them distinctly to point out its several advantages as a site for the institution. They regret their inability to go further into the view of facts of this kind the less, because they presume, that from the members of your honorable body residing near the several sites recommended, the General Assembly have sources of information probably more full and satisfactory than the board could afford by such examinations as, within any reasonable period, they would have it in their power to make. All of which is respectfully submitted by order of the board.

Test, M. WILLIAMS, Sec.

ISRAEL PICKENS, President.

A memorial of the Legislature of the State of Alabama to the Congress of the United States, was read the second time.

Ordered, to be read the third time on to-morrow.

Mr. Moore, from the committee on enrolled bills, reported, that said committee had examined,

'An act to establish a public road from the house of John Gandie, in Morgan county, to Baltimore in Blount county;'

'An act to alter and amend an act extending the jurisdiction of the county court of Mobile county, passed 17th Dec. 1821,' and find the same correctly enrolled; which were signed by Mr. President.

A bill, entitled 'An act allowing pay to the Trustees of the State University for their services,' was read the second time.

Mr. Bibb moved to amend said bill, by striking out the first proviso in the second section thereof, where it provides that the trustees shall exhibit an account of their necessary expenses to the board for allowance; which was decided in the affirmative. Yeas 14 Nays 3.

The yeas & nays being desired, those who voted in the affirmative, are,

| | | | | |
|---------------|--------|----------|--------|----------|
| Mr. President | Coats | Devereux | Moore | Smith. |
| Bibb | Conner | Hopkins | Murphy | Wood—14. |
| Casey | Crabb | M'Camy | Powell | |

Those who voted in the negative, are,

| | | |
|-------------|-------|-------------|
| Mr. Metcalf | M'Vay | Sullivan—3. |
|-------------|-------|-------------|

Ordered, to be engrossed for a third reading on to-morrow.

A message from the House of Representatives, by Mr. Hardwicke:

Mr. President, I am instructed by the House of Representatives to inform your honorable body, that they concur in the amendments made by your honorable body, to the bill, entitled,

'An act to compel clerks of the circuit and county courts, and sheriffs to give bond and security within the time therein prescribed.

They have also read a third time and passed, a bill to be entitled 'an act to repeal in part and amend an act entitled an act supplementary to an act to establish a State University,' which originated in this house, and in which they desire the concurrence of your honorable body.

They also concur in the amendments made by your honorable body, to a bill, entitled 'an act granting to John Fowler the right of running a steam ferryboat, and a row boat or sail boat, between the city of Mobile and the town of Blakeley.'

A bill from the House of Representatives, to be entitled 'an act to repeal in part and amend an act, entitled an act supplementary to an act to establish a State University,' was read the first time.

Ordered, That said bill be read a second time on to-morrow.

A bill, to be entitled 'an act for the more easy obtaining of testimony,' was read the second time.

Ordered, that said bill be engrossed and made the order of the day for a third reading on to-morrow.

A bill, to be entitled 'an act to amend and repeal in part the several acts concerning roads,' was read the second time.

Ordered, that said bill be committed to a committee of the whole, and made the order of the day for to-morrow.

A bill to be entitled 'an act relative to the securities of clerks, sheriffs & other officers,' was read the second time, & amended, and ordered to be engrossed for a third reading on to-morrow.

A bill, to be entitled 'an act to change the name of Big-spring in Franklin county,' was read the second time, and ordered to be engrossed for a third reading on tomorrow.

Mr. Moore, from the committee on enrolled bills, reported, 'an act to prevent frivolous and vexatious lawsuits,' as correctly enrolled; whereupon, said bill was signed by Mr. President.

On motion of Mr. Powell, the committee of the whole was discharged from the consideration of the resolution, proposing to the people of the state of Alabama, changes in the constitution of this state therein mentioned. Mr. Powell then moved, that said resolution be laid upon the table; which was decided in the negative. Yeas 4—Nays 14.

The yeas & nays being called for, those who voted in the affirmative, are,

| | | | |
|-----------|--------|--------|-------------|
| Mr. Casey | Murphy | Powell | Sullivan—4. |
|-----------|--------|--------|-------------|

Those who voted in the negative, are,

| | | | | |
|---------------|----------|---------|-------------|----------|
| Mr. President | Conner | Hopkins | Metcalf | Smith, |
| Bibb | Crabb | M'Camy | Moore | Wood—14. |
| Coats | Devereux | M'Vay | Shackelford | |

Mr. M'Vay moved to amend said resolutions by striking out the words 'four years,' where it is provided, that the senators shall serve for the term of four years, and inserting in lieu thereof, the words 'two years.' The question being put, it was decided in the affirmative.

Yeas 10

Nays 8.

The yeas & nays being called for, those who voted in the affirmative, are,

| | | | | |
|------------|-----------|---------|-------------|----------|
| Mr. Casey, | Crabb, | M'Vay, | Powell | Sullivan |
| Conner, | Devereux, | Metcalf | Shackelford | Wood—10. |

Those who voted in the negative, are,

| | | | |
|----------------|----------|---------|----------|
| Mr. President, | Coats, | M'Camy, | Murphy |
| Bibb, | Hopkins, | Moore | Smith—2. |

Mr. Bibb offered the following amendment to said resolutions: 'And be it further resolved, that so much of the constitution as relates to the tenure of the office of the judges be so altered as to allow the Legislature the right of appointing them for a term of years not less than four instead of during good behaviour,' which was adopted. Yeas 11—Nays 7.

The yeas & nays being called for, those who voted in the affirmative, are,

| | | | |
|----------|----------|---------|----------|
| Mr. Bibb | Conner | M'Vay | Sullivan |
| Casey | Devereux | Metcalf | Wood—11. |
| Coats | M'Camy | Smith | |

Those who voted in the negative, are,

| | | | |
|---------------|---------|--------|---------------|
| Mr. President | Hopkins | Murphy | Shackelford—7 |
| Crabb | Moore | Powell | |

Mr. Shackelford moved to strike out so much of said resolutions as relates to the classification of the Senate; which was carried.

Mr. Sullivan offered the following amendment to said resolutions, 'and each county shall be entitled to one Senator.'

Mr. Casey moved to amend said amendment by the following: 'And provided also each county shall be entitled to at least one representative and more in proportion to the population,' which was lost.

Yeas 9—Nays 9.

The yeas & nays being called for, those who voted in the affirmative, are,

| | | | | |
|-------|--------|----------|----------|--------|
| Bibb | Coats | Devereux | Smith | Wood—9 |
| Casey | Conner | Metcalf | Sullivan | |

Those who voted in the negative, are,

| | | | | |
|---------------|---------|-------|--------|---------------|
| Mr. President | Hopkins | M'Vay | Murphy | Shackleford—8 |
| Crabb | M'Canry | Moore | Powell | |

The question was then put on the adoption of the amendment offered by Mr. Sullivan, and decided in the affirmative. Yeas 11—Nays 7.

The yeas & nays being called for, those who voted in the affirmative, are,

| | | | | |
|----------|--------|----------|-------------|----------|
| Mr. Bibb | Conner | Metcalf | Shackleford | Sullivan |
| Casey | Coats | Devereux | Murphy | Smith |
| | | | | Wood—11. |

Those who voted in the negative are,

| | | | |
|---------------|---------|-------|----------|
| Mr. President | Hopkins | M'Vay | Powell—7 |
| Crabb | M'Canry | Moore | |

Mr. Murphy moved, that the further consideration of said resolutions be indefinitely postponed; which was decided in the negative.

Yeas 8

Nays 10.

The yeas & nays being called for, those who voted in the affirmative, are,

| | | | |
|---------------|--------|-------------|-------------|
| Mr. President | Murphy | Powell | Smith |
| Hopkins | Moore | Shackleford | Sullivan—8. |

Those who voted in the negative, are,

| | | | | |
|----------|--------|----------|---------|---------|
| Mr. Bibb | Coats | Crabb | M'Canry | Metcalf |
| Casey | Conner | Devereux | M'Vay | Wood—10 |

A message from the House of Representatives by Mr. Dodson, their clerk:

Mr. President—I am instructed by the House of Representatives, to inform your honorable body, that they have adopted the following resolution, in which they desire your concurrence: Resolved, that the Senate and House of Representatives convene in the Representative Hall on Friday next, at 3 o'clock, P. M. for the purpose of selecting an eligible site for the University.

The Senate adjourned till to morrow morning 10 o'clock.

Friday, December 20, 1822. X

The Senate met pursuant to adjournment.

A message from the House of Representatives, by Mr. Davis:

Mr. President—I am instructed by the House of Representatives to inform your honourble body, that they have read a third time and passed, a bill, originating in this house, entitled 'an act for the emancipation of slaves,' in which they desire your concurrence. They concur in the amendments made by your honorable body to the bill, entitled 'an act supplementary to an act entitled an act permanently to fix the seat of justice for the counties of Tuscaloosa and Perry, passed 27th November, 1821.'

Mr. Moore, from the select committee, to whom was referred the petition of the members of Washington Lodge, number twenty-three, of Ancient Free Masons, reported, That it is unnecessary to pass any law on the subject, because the law passed at the last session of the General Assembly, grants all the powers prayed for in said petition to all the Lodges of Ancient Free Masons in the state; which was concurred in.

Mr. Shackleford moved, that the further consideration of the resolutions proposing to the people of the state of Alabama, changes in the constitution of this state therein mentioned, be postponed until the first day of February next; which was decided in the affirmative.

A bill from the House of Representatives, to be entitled 'an act to provide for the emancipation of slaves,' was read the first time. Ordered, to be read a second time on to-morrow.

Mr. Moore obtained leave to introduce a bill, to be entitled 'an act

concerning the Huntsville Masonic Lottery; which was read the first time. Ordered, to be read a second time on to-morrow.

The Senate according to order, resolved itself into a committee of the whole, on the bill, entitled 'an act to raise a revenue for the support of Government for the year 1823,' Mr. Casey in the chair; and, after some time spent in the consideration thereof, the committee rose, and Mr. Casey reported the same with sundry amendments, which were concurred in.

Mr. M'Vay offered the following amendments to said bill: 'Provided, that no lands sold by the United States subsequent to the 1st day of January 1818, shall be assessed or taxed for five years after the sale thereof.'

Ordered, that said bill, together with the amendment be laid on the table, until 3 o'clock.

A bill, entitled 'an act to repeal in part and amend an act entitled an act supplementary to an act to establish a State University,' was read the second time.

Ordered, to be committed to a committee of the whole and made the order of the day for 3 o'clock, this evening.

A resolution for the encouragement of domestic manufactures was read the second time and amended.

Ordered, to be engrossed for a third reading on to-morrow.

A bill to be entitled 'an act to increase the compensation of certain commissioners appointed by an act entitled an act to appoint commissioners to lay out certain roads therein specified, and for other purposes, passed 27th Dec. 1821;' was read the second time.

Mr. M'Vay moved to amend said bill by striking out all that part which provides for an increase of the compensation of the commissioners, which was lost.

Mr. M'Vay then moved that the further consideration of said bill, be indefinitely postponed; which was lost.

Ordered, that said bill be engrossed for a third reading on to-morrow.

A bill to be entitled 'an act the better to designate the line between the counties of Jackson and Decatur,' was read the second time.

Ordered, that said bill be engrossed for a third reading on to-morrow.

A bill, to be entitled 'an act concerning the printing, binding & disposing of the digest of the statute laws of this state,' was read the second time.

Mr. Bibb offered the following amendment to said bill: 'And be it further enacted, that an act to enable the people of the Alabama Territory to form a constitution and state government, and for the admission of such state into the Union, on an equal footing with the original states; the constitution of the United States; of the State of Alabama, and the declaration of American Independence, be also printed and embodied in said Digest, which was adopted.'

Mr. Hopkins moved to strike out the word 'three' in the 5th section of said bill, and insert in lieu, the word 'two' so as to provide for the printing of two, instead of three thousand copies of the Digest; which was decided in the affirmative.

Mr. Powell moved to strike out the word 'bond' in the fifth section of said bill, where it requires justices of the peace on receiving a copy of the Digest, to execute a bond, and insert in lieu thereof, the word 'receipt,' which was decided in the affirmative.

Mr. Moore moved to amend said bill, by striking out the word, 'February' and inserting in lieu thereof, the word 'March,' where it requires the Governor to receive proposals for the printing of the Digest until the first day of February next; which was decided in the affirmative.

Yeas 16

Nays 3.

The yeas & nays being called for, those who voted in the affirmative, are,

| | | | |
|---------------|----------|---------|-------------|
| Mr. President | Conner | M'Camy | Murphy |
| Armstrong | Crabb | M'Vay | Powell |
| Casey | Devereux | Metcalf | Shackleford |
| Coats | Hopkins | Moore | Wood—16. |

Those who voted in the negative, are,

Messrs. Bibb Smith Sullivan.—3.

Mr. Smith offered the following amendment.

And be it further enacted, that the said Harry Toulmin be required to add to the said digest, some of the most useful forms, such as he in his wisdom may think most advisable, which was rejected. *Ordered*, that said bill be engrossed, for a third reading on tomorrow.

A resolution for the convenience of John A. Elmore, was read the second time; and *Ordered*, to be engrossed for a third reading on tomorrow.

On motion the Senate adjourned until 3 o'clock P. M.

3 o'clock P. M.

The Senate met pursuant to adjournment.

On motion of Mr. Casey, *Ordered*, that the resolution of the House of Representatives proposing to go into the selection of an eligible site for the University this day at three o'clock P. M. be laid upon the table.

On motion the bill to be entitled 'an act to raise a revenue for the support of government for the year 1823 was taken up.

The question was put on the adoption of the amendment offered by Mr. M'Vay, and decided in the negative.

Mr. Sullivan offered the following amendment to said bill: *And be it further enacted*, That the assessor and tax collector in each and every county, in this state, shall receive per centum, for collecting and paying over the county tax to the county Treasurer.' Which was rejected. Yeas 3—Nays 16.

The yeas & nays being called for, those who voted in the affirmative, are,

Mr. Conner Shackleford Sullivan.—3.

Those who voted in the negative are,

| | | | |
|---------------|----------|---------|-----------|
| Mr. President | Coats | M'Camy | Murphy |
| Armstrong | Crabb | M'Vay | Powell |
| Bibb | Devereux | Metcalf | Smith |
| Casey | Hopkins | Moore | Wood.—16. |

Mr. M'Vay moved to strike out so much of the said bill as requires persons to give in their lands upon oath; which was lost.

Ordered, that said bill be made the order of the day for a third reading on tomorrow.

The Senate according to order, resolved itself into a committee of the whole, on the bill to be entitled 'an act to amend and repeal in part the several acts concerning roads, Mr. Casey in the chair; and, after some time spent therein, the committee rose, and Mr. Casey reported the same as amended.

Mr. Moore moved, that said bill and report be laid upon the table; which was decided in the negative. Yeas 7. Nays 11.

The yeas and nays being desired, those who voted in the affirmative, are,

| | | | |
|-------------|--------|-------------|----------|
| Mr. Hopkins | Moore | Shackleford | Wood.—7. |
| M'Camy | Powell | Sullivan | |

Those who voted in the negative are,

| | | | | |
|---------------|-------|--------|----------|------------------|
| Mr. President | Casey | Conner | Devereux | Metcalf |
| Bibb | Coats | Crabb | M'Vay | Murphy Smith—11. |

On motion of Mr. Casey. Ordered, that said bill be referred to a select committee, consisting of Messrs. Casey, Moore, and Metcalf.

A message from the House of Representatives by Messrs Harris and Davis:

Mr. President, I am instructed by the House of Representatives to inform your honorable body, that they have adopted the following resolution: *Resolved*, That a message be sent to the Senate, informing them, that this house is now ready to receive them, in order to go into the election of a Comptroller of Public Accounts, and State Treasurer. *Whereupon*, the members of the Senate repaired to the Representatives Hall, and after having taken their seats, Mr. President arose and announced the object of the meeting: when both houses proceeded to the election of Comptroller of public accounts. Samuel Pickens, Esquire, being in nomination: Those who voted for Mr. Pickens, are,

| | | | | |
|---------------|--------------|---------------|--------------|------------|
| Mr. President | Smith | Durrett | Hardwicke | Pope |
| Bibb | Sullivan | Davis | Hill | Rutherford |
| Casey | Wood | Edmondson | Harvey | Riviere |
| Coats | Mr. Speaker, | Fitzpatrick | Jones | Rather |
| Conner | Adair | Fitz | Jackson | Skinner |
| Crabb | Abercrombie | Farrar | Kennedy | Shortridge |
| Devereux | Adams | Fearn | Leake | Sanders |
| Hopkins | Barclay | Ford, | Mead | Taylor |
| McCamy | Bailey | Gayle | Merriwether, | Terrell |
| M'Vay | Browne | Harris, of B. | Montgomery | Thompson |
| Metcalf | Browning | Harris of W. | Morton | Wallace |
| Moore | Crenshaw | Hunter of T. | Martin | Winston |
| Murphy | Clay | Hunter, of C. | McClung | Weisinger |
| Powell | Coleman | Hubbard | Norwood | Williams |
| Shackleford | Dulaney | Hallett | Oliver | Young—75. |

Mr. Pickens having a majority of the whole number,

Mr. Speaker declared him duly elected Comptroller of public accounts.

Both houses then proceeded to the election of a State Treasurer, John C. Perry, Esquire, being in nomination.

Those who voted for Mr. Perry, are,

| | | | | |
|---------------|-------------|---------------|-------------|------------|
| Mr. President | Smith | Durrett | Hardwicke | Pope |
| Bibb | Sullivan | Davis | Hill | Riviere |
| Casey | Wood | Edmondson | Harvey | Rutherford |
| Coats | Mr. Speaker | Fitzpatrick | Jones | Rather |
| Conner | Adair | Fitz | Jackson | Skinner |
| Crabb | Abercrombie | Farrar | Kennedy | Shortridge |
| Devereux | Adams | Fearn | Leake | Sanders |
| Hopkins | Browne | Ford | Mead | Taylor |
| McCamy | Barclay | Gayle | Merriwether | Terrell |
| M'Vay | Bailey | Harris of B. | Montgomery | Thompson |
| Metcalf | Browning | Harris of W. | Martin | Wallace |
| Moore | Crenshaw | Hunter, of T. | Morton | Winston |
| Murphy | Coleman | Hunter of C. | McClung | Weisinger |
| Powell | Clay | Hubbard | Norwood | Williams |
| Shackleford | Dulaney | Hallett | Oliver | Young—75. |

Mr. Perry having a majority of the whole number, Mr. Speaker announced him duly elected Treasurer of the State of Alabama.

The elections having been gone through, the Senate withdrew and retired to their own chamber, and Mr. President resumed the chair.

The Senate according to order resolved itself into a committee of the whole, on the bill to be entitled 'an act to repeal in part and amend an act supplementary to an act to establish a State University.' Mr. Bibb in the chair, and after some time spent therein, the committee rose and Mr. Bibb reported that the committee had according to order, had said bill under consideration, but not having time to go through with the same, had instructed him to report progress and ask leave to sit again which was granted.

The Senate adjourned until 7 o'clock, P. M.

7 o'clock, P. M.

The Senate again met pursuant to adjournment.

The Senate resolved itself into a committee of the whole, on the bill to be entitled 'an act to repeal in part and amend an act entitled an act supplementary to an act to establish a State University.' Mr. Bibb in the chair; and after some time spent therein, the committee rose and Mr. Bibb reported the same with sundry amendments, which were concurred in.

Mr. Casey moved to strike out so much of said bill as provides for selecting a site for a female school at the same time of selecting the site for the principal university; which was lost.

Mr. Hopkins moved to amend the 8th section of said bill, by striking out all after the 3d word in the eighth line, and inserting in lieu thereof, the following: 'and remain a lien forever on the land sold, and upon the payment of the first, second, and third payments, with interest as aforesaid, it shall be the duty of the said trustees to execute to the purchaser a lease for the land described in the certificate of purchase for the term of ninety-nine years, renewable forever, to bear interest on the residue of the purchase money at the rate of _____ per centum per annum, conditioned to pay the interest annually;' and also by striking out the 11th and 12th sections thereof. And on the question being put, it was decided in the negative. Yeas 6—Nays 13.

The yeas & nays being called for, those who voted in the affirmative, are,
Mr. President Hopkins M'Vay Moore Smith—6.
Crabb

Those who voted in the negative, are,

| | | | | |
|---------------|----------|---------|-------------|----------|
| Mr. Armstrong | Coats | M'Camy | Powell | Wood—13. |
| Bibb | Conner | Metcalf | Shackleford | |
| Casey | Devereux | Murphy | Sullivan | |

Mr. Hopkins then moved to strike out all of that part of said bill, which vests in the trustees, a discretionary power, to invest one hundred thousand dollars of the university funds in the stock of the State Bank, should one be established, or in stock of the state, should any such be created; which was decided in the negative. Yeas 6—Nays 13.

The yeas & nays being desired, those who voted in the affirmative, are,
Mr. President Devereux Hopkins M'Vay Powell—6.
Bibb

Those who voted in the negative, are,

| | | | | |
|---------------|--------|----------|-------------|---------|
| Mr. Armstrong | Conner | Metcalf, | Shackleford | Wood—13 |
| Casey | Crabb | Moore | Smith | |
| Coats | M'Camy | Murphy | Sullivan | |

On motion, ordered, that said bill be read a third time on to-morrow.

Mr. Moore, from the special committee, to whom was referred the petition of sundry inhabitants of Limestone county reported a bill, to be entitled 'an act to incorporate the Limestone Navigation Company;' which was read the first time, and ordered to be read a second time on to-morrow.

On motion, the senate adjourned till to-morrow morning 10 o'clock.

Saturday, December 21, 1822.

The senate met pursuant to adjournment.

Mr. Wood obtained leave to introduce a bill to be entitled 'an act to incorporate the town of Jonesborough, in the county of Jefferson;' which was read the first time. On motion, the rule which requires all bills to be read on three several days was dispensed with, and said bill was read the second time.

Ordered, that said bill be engrossed for a third reading on Monday next.

Mr. Devereux obtained leave to introduce a bill to be entitled 'an act to repeal in part and amend an act entitled an act to regulate elections, passed at Huntsville, 16th December 1819;' which was read the first time. On motion, the rule which requires all bills to be read on three several days was dispensed with, and the said bill was read the 2d time.

Ordered, that said bill be engrossed for a third reading on Monday next.

Mr. Wood, from the committee on county boundaries, to whom was referred the bill, entitled 'an act to alter and extend the boundaries of Wilcox county,' reported the same with amendments, which were concurred in.

Ordered, that said bill be read the third time on Monday next.

Mr. President laid before the Senate the report of the commissioners of reserved lands adjoining the town of Cahawba; which was read and referred to a select committee, consisting of Messrs. Moore, M'Vay and Conner. *Ordered*, that Mr. Bibb be added to said committee.

On motion of Mr. Shackelford, the bill from the House of Representatives, entitled 'an act to repeal in part and amend an act entitled an act supplementary to an act to establish a State University,' was taken up. The bill was read the third time as amended.

Mr. Powell offered the following amendment to the fourth section of said bill, by way of rider: '*Provided also*, that the six additional trustees to be thus chosen, shall have no power to vote upon the subject of any appropriation of the funds to be employed for the buildings to be erected in pursuance of this act, until six months after the same shall have been commenced;' which was read three several times and adopted.

Mr. Hopkins moved to fill the blank in the 17th section of said bill with the word 'twelve' where it provides for the establishment of three branches of the university for female education, to be governed by directors to be elected annually by the board of trustees. And on the question being put, it was decided in the affirmative.

Mr. Armstrong moved to fill the blank in the 17th section of said bill with the words 'one hundred thousand,' where it provides 'that dollars shall be appropriated by the trustees for the purpose of erecting buildings for the branches of said university for female education;' which was decided in the affirmative. The question was then put, shall the bill pass? and decided in the affirmative. Yeas 12—Nays 6.

The yeas & nays being called for, those who voted in the affirmative, are,

| | | | | |
|---------------|---------|-------|-------------|----------|
| Mr. President | Conner | M'Vay | Shackelford | Sullivan |
| Armstrong | Crabb | Moore | Smith | Wood—12. |
| Bibb | Hopkins | | | |

Those who voted in the negative, are,

| | | | | |
|-----------|----------|--------|---------|-----------|
| Mr. Casey | Devereux | M'Camy | Metcalf | Powell—6. |
| Coats | | | | |

Ordered, That the secretary notify the House of Representatives of the passage of said bill, and desire their concurrence in the amendments thereto.

A message from the House of Representatives, by Mr. Davis, a member thereof:

Mr. President—I am instructed by the House of Representatives, to inform your honorable body, that they have read the third time and passed a bill, originating in your honorable body, entitled 'an act giving execution for costs in the supreme court.'

They have also read a third time and passed a bill, originating in their House, of the following title, to wit: 'An act to appoint Commissioners to lay out a road therein specified,' in which they desire your concurrence.

A Message from the House of Representatives, by Mr. Mead:

Mr. President—I am instructed by the House of Representatives to inform your honorable body, that they have read a third time and passed a bill originating in your house, entitled 'an act to authorize fathers to devise the custody and tuition of their infant children,' and have amended the same by striking out the word 'five' in the second section, and inserting in lieu thereof the word 'fifteen,' in which they desire your concurrence.

A resolution providing for the organization of the 39th regiment of Alabama militia, was read the second time, and ordered to be engrossed for a third reading on Monday next.

On motion, the bill entitled 'an act to raise a revenue for the support of government for the year 1823,' was taken up. The bill was then read the third time and passed.

Yeas 15

Nays 1.

The yeas & nays being called for, those who voted in the affirmative, are

| | | | | |
|---------------|----------|---------|---------|-------------|
| Mr. President | Coats | Hopkins | Metcalf | Shackelford |
| Bibb | Conner | M'Camy | Moore | Smith |
| Casey | Devereux | M'Vay | Powell | Sullivan—15 |

Mr. Crabb voted in the negative.

Mr. Moore moved to amend the title of said bill by striking out all after the word 'government,' and inserting in lieu thereof, the words 'until otherwise provided by law;' which was adopted. *Ordered*, that the secretary inform the House of Representatives of the passage of said bill, and desire their concurrence in the amendments made thereto.

A message from the House of Representatives by Mr. Rather.

Mr. President—I am instructed by the House of Representatives to inform your honorable body, that they have read a third time and passed a bill, originating in your house, entitled 'an act to establish certain election precincts in the counties therein named,' and have amended the same by adding several sections thereto, in which they desire your concurrence.

They concur in the amendments made by your honorable body, to a bill entitled 'an act declaring certain roads therein named, public roads until otherwise directed by law.'

They recede from their amendment to the bill, entitled 'an act to prevent free negroes and mulattoes from retailing spiritous liquors, and for other purposes,' by striking out the third section.

They insist on their amendment to said bill by striking out the fourth section.

A bill from the House of Representatives, entitled 'an act to appoint commissioners to lay out a road therein specified,' was read the first time, and,

Ordered, to read the second time on Monday next.

A bill, to be entitled 'an act authorizing pay to the trustees of the State University for their services,' was read the third time.

Mr. Wood offered the following amendment to said bill, by way of rider: 'Provided however, that the said trustees who are members of the legislature, shall not receive any pay for their services as trustees, whilst

they are in attendance as members of the legislature; which was read three several times and adopted. The bill was then passed.

Ordered, that the Secretary inform the House of Representatives and desire their concurrence therein.

A bill, to be entitled 'an act to provide for the emancipation of slaves,' was read the second time.

Ordered, that said bill be laid upon the table.

A bill, to be entitled 'an act concerning the Huntsville Masonic Lodge,' was read the second time; and,

Ordered, to be engrossed for a third reading on Monday next.

A bill, to be entitled 'an act to incorporate the Limestone navigation company,' was read the second time, and ordered to be engrossed for a third reading on Monday next.

A memorial from the Legislature of the State of Alabama to the Congress of the United States, upon the subject of a treaty with the Cherokee nation of Indians, was read the third time and passed.

A bill from the House of Representatives, entitled 'an act to establish a turnpike road leading from Lawrence county to intersect the military road in Marion county,' was read the third time and passed.

Ordered, that the House of Representatives be informed thereof.

An engrossed bill, to be entitled 'an act relative to the securities of clerks, sheriffs, and other officers,' was read the third time and passed.

Ordered, That the title of said bill be as aforesaid, and that the same be sent to the House of Representatives for their concurrence.

Ordered, that the bill, to be entitled 'an act for the more easy obtaining of testimony,' be laid upon the table.

An engrossed bill, to be entitled 'an act amendatory to the laws now in force concerning strays,' was read the third time and passed.

Ordered, that the title of said bill be as aforesaid, and that the same be sent to the House of Representatives for their concurrence.

Ordered, that the bill, to be entitled 'an act to repeal in part an act passed 15th Dec. 1821, concerning Samuel Dale,' be laid upon the table for the present.

An engrossed bill, to be entitled 'an act changing the name of Big Spring in Franklin county,' was read the third time and passed.

Ordered, that the title of said bill be as aforesaid, and that the same be sent to the House of Representatives for their concurrence.

Ordered, that the engrossed resolutions concerning the loan from the Tombeckbe Bank, be laid upon the table.

A bill, to be entitled 'an act to establish and regulate justices' courts in this state,' was taken up, and ordered to be committed to a committee of the whole on Monday next.

An engrossed bill to be entitled 'an act to alter the times of holding courts in the first judicial circuit,' was read the third time and passed.

Ordered, that the title of said bill be as aforesaid, and that the same be sent to the House of Representatives for their concurrence.

On motion of Mr. Hopkins, the senate concurred in the amendment made by the House of Representatives to the bill, entitled 'an act to authorize fathers to devise the custody & tuition of their infant children.'

On motion of Mr. Comer, the Senate concurred in the amendment made by the House of Representatives to the bill, entitled 'an act to establish certain election precincts therein named.'

On motion of Mr. Moore the senate receded from their disagreement the amendment made by the House of Representatives to the bill, on

filed 'an act to prevent free negroes and mulattoes from retailing spirituous liquors and for other purposes,' by striking out the fourth section thereof.

Mr. Hopkins presented the report of Harry Toulmin, esq. made in pursuance of a resolution of the last session of the General Assembly requiring him to report such defects and imperfections as he might discover in the statute laws of this state. Laid upon the table.

On motion the senate adjourned 'till 3 o'clock P. M.

3 o'clock, P. M.

The Senate met pursuant to adjournment.

Ordered, that the resolutions for the relief of Anderson Crenshaw be referred to a select committee, consisting of Messrs. Casey, Sullivan and Devereux.

A Message from the House of Representatives by Mr. Morton:
Mr. President.

I am instructed by the House of Representatives to inform your honorable body, that they concur in all the amendments made by your honorable body to a bill, entitled 'an act to repeal in part and to amend an act entitled an act supplementary to an act to establish a State University.

Also, they concur in amendments made by your honorable body to a bill, entitled 'an act to repeal in part the statute of limitations in criminal cases.'

An engrossed bill, to be entitled 'an act the better to designate the line between the counties of Jackson and Decatur,' was read the third time and passed.

Ordered, that the title of said bill be as aforesaid, and that the same be sent to the House of Representatives for their concurrence.

Mr. Murphy obtained leave to introduce a bill, to be entitled 'an act for the relief of certain persons therein named;' which was read the first time, and ordered to be read the second time on Monday next.

An engrossed bill, to be entitled 'an act for the regulation of assessors and tax collectors, so far as relates to the payment of money;' was read the third time and passed. Ordered, that the title be 'an act, &c.'

An engrossed bill, to be entitled 'an act to divide the state into districts for electing representatives to congress;' was read the third; amended by way of rider, and the blanks filled. The question was then put, Shall the bill pass? and decided in the affirmative. Yeas 14—Nays 3.

The yeas & nays being called for, those who voted in the affirmative, are,

| | | | | |
|---------------|---------|---------|--------|----------|
| Mr. President | Crabb | M'Vay | Murphy | Sullivan |
| Casey | Hopkins | Metcalf | Powell | Wood—14. |
| Conner | M'Camy | Moore | Smith | |

Those who voted in the negative, are,

| | | |
|----------|-------|-------------|
| Mr. Bibb | Coats | Devereux—3. |
|----------|-------|-------------|

A message from the House of Representatives, by Mr. Dodson:

Mr. President—I am instructed to inform your honorable body that the House of Representatives have read a third time and passed 'a memorial to the Senate and House of Representative of the United States, praying relief for the settlers in the counties of Jackson and Decatur,' in which they desire your concurrence.

A message from the House of Representatives, by Mr. Mead:

Mr. President—I am instructed to inform you, that the House of Representatives have read the third time and passed, a bill originating in your honorable body of the following title, to wit: 'an act to provide for the printing the laws and journals of this state, and for other purposes.' Also, they have read the third time and passed, bills originating in the House

of Representatives, entitled, 'an act to authorize administrators to sell lands belonging to the estate of their intestate, to which a complete title has not been obtained;'

'An act to authorize the Judge of the County court and commissioners of roads and revennn of Butler county to lay a county tax for the purposes therein named;' in which they desire your concurrence.

An engrossed bill, to be entitled 'an act for the relief of the tax collectors of Madison and Limestone,' was read the third time.

Mr. Coats offered the following amendment to said bill, by way of rider:

'And be it further enacted, that the tax collector of Marengo county be allowed until the first day of March next, to complete his collection and pay over the balance due by said collector into the treasury.' Which was read three several times and adopted.

The question was then put, 'Shall the bill pass?' and decided in the affirmative. Yeas 12. Nays 6. The yeas and nays being called for, those who voted in the affirmative, are,

| | | | |
|---------------|---------|---------|-------------|
| Mr. President | Hopkins | Metcalf | Powell |
| Coats | M'Camy | Moore | Shackleford |
| Crabb | M'Vay | Murphy | Wood—12. |

Those who voted in the negative, are,

| | | |
|----------|----------|-------------|
| Mr. Bibb | Conner | Smith |
| Casey | Devereux | Sullivan—6. |

Ordered, that the title of said bill be 'an act for the relief of certain tax collectors therein named.'

An engrossed bill to be entitled 'an act for the payment of the commissioners of seminary lands in the county of Perry, for the years 1821 and 1822,' was read the third time and passed. *Ordered*, that the title of said bill be 'an act to provide for the payment of the compensation allowed by law to the commissioner appointed to lease the lands belonging to the University of Alabama.'

Ordered, that the bill to be entitled 'an act authorizing the sale of lots relinquished in the town of Cahawba, under the act of 21st Nov. 1821,' be laid upon the table.

An engrossed resolution for the convenience of John A. Elmore, was read the third time and passed.

Ordered, that the title be 'a resolution for the relief John A. Elmore.'

Mr. Bibb obtained leave to introduce a bill, to be entitled 'an act appointing an agent to receive the three per cent. fund;' which was read the first time, and *Ordered*, to be read the second time on Monday next.

Mr. Hopkins, from the judiciary committee, to whom was referred a resolution instructing them to inquire into the expediency of passing a law to require sheriffs and constables to make all returns in civil cases to a justice of the peace residing within the captain's beat, where the debt was contracted, or where the defendant resides, reported a bill to be entitled 'an act concerning sheriffs and constables;' which was read the first time, and *Ordered*, to be read the second time on Monday next.

Mr. Casey obtained leave to introduce a bill, to be entitled 'an act to provide for drawing petit jurors to serve in the circuit courts of the county of Dallas;' which was read the first time, and *Ordered* to be read the second time on Monday next.

A message from the House of Representatives by Mr. Dodson, their clerk: Mr. President—I am instructed by the House of Representatives, to inform your honourable body, that they have read a third time and passed a bill originating in this House, of the following title, to wit: 'an

act to amend an act entitled an act to regulate the rate of interest, passed 17th December, 1819; in which they desire your concurrence. The said bill was then read the first time, and ordered to be read a second time on Monday next.

An engrossed resolution for the encouragement of domestic manufactures, was read the third time and passed.

Ordered, that the bill, to be entitled 'an act to increase the compensation of certain commissioners, appointed by an act entitled an act to appoint commissioners to lay out certain roads herein specified, and for other purposes, passed the seventeenth of December, 1821; and the bill, to be entitled 'an act concerning the printing, binding and disposal of the digest of the statutes laws of the state of Alabama, be laid upon the table for the present.

Mr. Murphy obtained leave to introduce a resolution requiring the secretary of the senate and clerk of the House of Representatives to make a complete index of the journals of the general assembly; which was read the first time, and ordered to be read a second time on Monday next.

On motion, the Senate adjourned until Monday morning 10 o'clock.

Monday, 23d. Dec. 1822.

The senate met pursuant to adjournment.

A message was received from the House of Representatives, informing the Senate, that they had read the third time and passed a bill which originated in this House, entitled 'an act providing for the election of sheriff in certain cases, and for other purposes.'

Mr. Bibb, from the committee of propositions and grievances, to whom was recommitted the petition of Austin Hood and Arnold Thomason, reported a bill, to be entitled 'an act for the relief of Austin Hood and Arnold Thomason;' which was read the first time.

The rule which requires all bills to be read on three several days, was dispensed with; and said bill was read the second time.

Ordered to be engrossed for a third reading on to-morrow.

Mr. Casey, from the select committee, to whom was referred the resolution for the relief of Anderson Crenshaw, reported the same with an amendment; which was concurred in. Ordered, that the resolution be engrossed for a third reading this evening.

Mr. Casey, from the select committee, to whom was referred the bill, entitled 'an act to amend an act to repeal in part the several acts concerning roads, &c.' reported the same as amended; which was concurred in. Ordered, that the bill be engrossed for a third reading on to-morrow.

Mr. Armstrong, from the select committee, to whom was referred the petition of sundry inhabitants of Mobile, reported a memorial to the Congress of the United States, upon the subject of the fortifications at Mobile Point and Dauphin Island; which was read the first time. The rule which requires all memorials to be read on three several days, was dispensed with; and the memorial was read the second time.

Ordered to be engrossed, for a third reading on to-morrow.

A message was received from the Governor, by J. J. Pleasants, esquire, secretary of state, that he did on the 11th inst. approve and sign, 'an act concerning inquiry of damages;' which originated in this House.

A bill from the House of Representatives, entitled 'an act to authorize administrators to sell land belonging to the estate of their intestates, to which a complete title has not been obtained,' was read the first time.

The rule which requires all bills to be read on three several days, was

dispensed with; and said bill was read the second time. Ordered to be read the third time on to-morrow.

A memorial, from the House of Representatives, to the Congress of the United States, was read the first time. The rule which requires all memorials to be read on three several days, was dispensed with; and said memorial was read the second time. Ordered that said memorial be referred to a select committee, consisting of Messrs. Moore, M'Camy and Bibb.

A bill from the House of Representatives, entitled 'an act to authorize the judge of the county court, and the commissioners of the roads and revenue of Butler county, to levy a county tax, and for other purposes therein mentioned,' was read the first time. The rule which requires all bills to be read on three several days, was dispensed with; and said bill was read the second time. Ordered, that said bill be read the third time on to-morrow.

A message from the House of Representatives, by Mr. Morton:

Mr. President—I am instructed by the House of Representatives to inform your honourable body, that they have adopted the following resolution: in which they desire your concurrence:

'Resolved, That the Senate be requested to assemble in the Representative Hall on to-morrow, at the hour of 4 o'clock, P. M. for the purpose of locating the State University; also the female branches of said institution.'

An engrossed bill, to be entitled 'an act to incorporate the Limestone Navigation Company,' was read the third time, amended and passed.

Ordered, that the title of said bill be 'an act &c.' and that the same be sent to the House of Representatives for their concurrence.

Mr. Casey moved, that the further consideration of the resolution from the House of Representatives, inviting the senate to convene in the Representatives' hall on to-morrow at 4 o'clock P. M. for the purpose of locating the State University, and also the female branches of said institution, be postponed until the first day of the session of the next General Assembly; which was decided in the affirmative.

Yeas 11—Nays 8.

The yeas & nays being called for, those who voted in the affirmative, are,

| | | | |
|----------|----------|----------|----------|
| Mr. Bibb | Conner | Murphy | Smith |
| Casey | Devereux | Powell | Wood—11. |
| Coats | Metcalf | Sullivan | |

Those who voted in the negative, are,

| | | | |
|---------------|---------|--------|---------------|
| Mr. President | Crabb | M'Camy | Moore |
| Armstrong | Hopkins | M'Vay | Shackleford—8 |

On motion the Senate adjourned until 3 o'clock P. M.

3 o'clock P. M.

The Senate met pursuant to adjournment.

An engrossed resolution for the relief of Anderson Crenshaw, was read the third time and passed.

Yeas 12

Nays 5.

The yeas & nays being called for, those who voted in the affirmative, are,

| | | | |
|---------------|----------|---------|--------------|
| Mr. President | Casey | Hopkins | Shackleford |
| Armstrong | Conner | Murphy | Smith |
| Bibb | Devereux | Powell | Sullivan—12. |

Those who voted in the negative, are,

| | | | | |
|-----------|-------|---------|-------|--------|
| Mr. Coats | M'Vay | Metcalf | Moore | Wood—5 |
|-----------|-------|---------|-------|--------|

Ordered, that the title of said resolution be as aforesaid; and that the same be sent to the House of Representatives for their concurrence.

A bill, to be entitled 'an act to appoint commissioners to lay out a certain road therein specified,' was read the second time; and ordered to be read a third time on to-morrow.

Mr. Armstrong, from the special committee, to whom was referred the petition of Edwin Lewis, made a report adverse to the prayer of the petitioner; which was concurred in.

A bill, to be entitled 'an act for the relief certain persons therein named,' was read the second time; and ordered to be engrossed, for a third reading on to-morrow.

A message from the House of Representatives by Mr. Morton:
Mr. President—

I am instructed by the House of Representatives, to inform your honorable body, that they have read the third time and passed a resolution, originating in your honourable body, extending time to John Byler and his associates to open and finish a road therein named; which they have amended; in which amendments they desire your concurrence.

They concur in the amendments made by your honourable body to the bill, entitled 'an act for the relief the Huntsville Bank.'

They have, also, read a third time and passed, a bill originating in your honorable body, entitled 'an act to continue in force and amend an act entitled an act to repeal in part and amend an act, entitled an act to regulate the proceedings in the courts of law and equity in this state and for other purposes therein mentioned;' and have amended the same by adding several sections thereto; in which amendments they desire your concurrence.

A bill, to be entitled 'an act appointing an agent to receive the three per cent,' was read the second time; and ordered to be engrossed for a third reading on to-morrow.

Ordered, that the senate concur in the amendments made by the House of Representatives to the 'Resolutions' extending time to John Byler and his associates to open and finish a road therein named.

Mr. Wood, from the committee on county boundaries, reported a 'resolution requesting the Governor to procure a correct map of this state;' which was read the first and second times; and ordered to be engrossed for a third reading on to-morrow.

Mr. Powell offered the following resolution:

'Resolved, that with the concurrence of the House of Representatives, the members of both branches of the Legislature will convene in the Representatives' Hall, on Tuesday the 24th inst. at 7 o'clock P. M. for the purpose of electing a State Printer, for the ensuing year;' which was adopted.

Ordered, that the secretary acquaint the House of Representatives thereof.

A bill to be entitled 'an act concerning sheriffs and constables,' was read the second time.

Mr. Armstrong moved, that the further consideration of said bill be indefinitely postponed; which was decided in the affirmative.

Yeas 11

Nays 7.

The yeas & nays being called for, those who voted in the affirmative, are,

Mr. President,
Armstrong
Coats,

Hopkins
McCary,

Moore,
Murphy

Powell
Shackelford

Smith
Sullivan—11.

Those who voted in the negative, are,

Mr. Bibb,
Casey,

Conner,
Devantz,

M'Vay,

Metcalf

Wood—7.

Message from the House of Representatives, by Messrs. McCling and Abercrombie:

Mr. President—I am instructed by the House of Representatives, to inform your honorable body, that they have adopted the following resolution: in which they desire your concurrence:

Resolved. That the Senate and House of Representatives convene in the chamber of the House of Representatives, at 4 o'clock to-morrow evening, for the purpose of selecting a site for the location of the State University.

They have also read a third time and passed, a memorial originating in this house, to the Congress of the United States to procure further relief to the purchasers of public lands in this state; in which they desire your concurrence.

A message from the House of Representatives, by Mr. Dodson:

Mr. President—I am instructed by the House of Representatives, to inform your honorable body, that they have concurred in the amendments made by your honorable body to a bill, entitled 'an act authorizing pay to the trustees of the State University for their services.'

They have read a third time and passed a bill originating in this House, entitled 'an act to provide for paying for the public buildings of Lawrence county,' in which they desire your concurrence.

Mr. Moore offered the following amendment to the amendment made by the House of Representatives to the bill, entitled 'an act to continue in force and amend an act, entitled 'an act to repeal in part and amend an act entitled an act to regulate the proceedings in the courts of law and equity in this state, and for other purposes therein mentioned:'

And be it further enacted. That this act shall be in force, from and after the fourth day of January next; and continue in force until the first day of January, eighteen hundred and twenty-six, at which time it shall expire; which was rejected. Yeas 8—Nays 11.

The yeas & nays being called for, those who voted in the affirmative, are

| | | | |
|----------|----------|---------|---------|
| Mr. Bibb | Devereux | Metcalf | Powell |
| Conner | McCamy | Moore | Smith—8 |

Those who voted in the negative are.

| | | | | | |
|---------------|-------|-------|---------|-------------|----------|
| Mr. President | Casey | Coats | Hopkins | Murphy | Sullivan |
| Armstrong | Crabb | | M'Vay | Shackleford | Wood—11. |

Ordered, that the Senate concur in the amendments made by the House of Representatives to said bill.

Ordered, that the House of Representatives be informed thereof.

A bill, to be entitled 'an act to provide for drawing petit jurors to serve in the circuit courts of the county of Dallas,' was read the second time; and ordered to be engrossed for a third reading on to-morrow.

Mr. Armstrong moved, that the resolution from the House of Representatives, inviting the Senate to convene in the Representative Hall on to-morrow at 4 o'clock, for the purpose of selecting a site for the location of the University, be laid upon the table. And on the question being put, it was decided in the affirmative.

Yeas 15

Nays 4.

The yeas & nays being called for, those who voted in the affirmative, are

| | | | | |
|---------------|--------|----------|--------|--------------|
| Mr. President | Coats | Devereux | M'Vay | Powell |
| Armstrong | Conner | Hopkins | Moore | Shackleford |
| Casey | Crabb | McCamy | Murphy | Sullivan—15. |

Those who voted in the negative are.

| | | | |
|----------|---------|-------|---------|
| Mr. Bibb | Metcalf | Smith | Wood—4. |
|----------|---------|-------|---------|

A bill, to be entitled "an act to provide for paying for the public buildings in Lawrence county," was read the first time.

On motion, the rule which requires all bills to be read on three several days, was dispensed with; and said bill was read the second time.

Ordered, that said bill be read the third time on to-morrow.

A memorial from the House of Representatives, to the Congress of the United States, to procure further relief to the purchasers of public lands in this state; was read the first time.

The rule which requires all memorials to be read on three several days, was dispensed with; and said memorial was read the second time.

Ordered, that said bill be read the third time on to-morrow.

On motion of Mr. Conner, the bill, to be entitled "an act to repeal in part an act, passed 15th December 1821, concerning Col. Samuel Dale," was taken up.

The bill was then passed.

Yeas 10

Nays 9.

The yeas & nays being called for, those who voted in the affirmative, are,

| | | | | |
|-----------|--------|---------|--------|----------|
| Mr. Coats | Crabb | M'Vay | Moore | Sullivan |
| Conner | M'Comy | Netcalf | Powell | Wood—10. |

Those who voted in the negative, are,

| | | | | |
|---------------|-------|----------|-------------|---------|
| Mr. President | Ellis | Devereux | Murphy | Smith—9 |
| Armstrong | Cass | Hopkins | Shackleford | |

Ordered, that the title of said bill be "an act &c." and that the same be sent to the House of Representatives for their concurrence.

A bill, to be entitled "an act to amend an act to regulate the rate of interest, passed 17th December 1819," was read the second time; and ordered to be read the third time on to-morrow.

A message from the House of Representatives by Messrs. Mead and Aikin:

Mr. President:

I am instructed by the House of Representatives to inform your honorable body, that they have read the third time and passed, a bill originating in their house, entitled "an act to define and make plain the western boundary line of Blount county,

in which they desire your concurrence.

An engrossed bill, to be entitled "an act to incorporate the town of Jonesborough in Jefferson county," was read the third time and passed.

Ordered, that the title of said bill be "an act &c." and that the same be sent to the House of Representatives for their concurrence.

A bill, to be entitled "an act to define and make plain the western boundary line of Blount county," was read the first time.

Ordered, that said bill be read the second time on to-morrow.

Mr. Murphy, from the committee on Schools and Colleges, and School and College lands, to whom was referred a resolution of the senate, reported a bill, to be entitled "an act to alter the mode of giving bonds and security, and taking the oath of office by the agents of the sixteenth sections," which was read the first time.

The rule which requires all bills &c. to be read on three several days, was dispensed with; and said bill was read the second time.

Ordered, that said resolution be engrossed for a third reading on to-morrow.

On motion the Senate adjourned till to-morrow morning 10 o'clock.

Tuesday, Dec. 24, 1822.

The Senate met pursuant to adjournment.

Mr. Moore, from the committee on enrolled bills, reported, as correctly enrolled:

'An act to establish certain election precincts in the counties therein named;'

'An act to prevent free negroes and mulattoes from retailing spiritous liquors;'

'An act giving execution for costs in the supreme court;'

'An act to provide for the printing of the laws and journals, and for other purposes;'

'An act to continue in force and amend an act entitled an act to repeal in part and amend an act, entitled an act to regulate the proceedings in the courts of law and equity in this state, and for other purposes therein mentioned;'

'An act to repeal in part and to amend an act, entitled an act supplementary to an act to establish a State University;'

'An act supplementary to an act entitled an act permanently to fix the seat of justice for the counties of Tu-kaloosa and Perry, passed 27th November, 1821, so far as relates to Perry county;'

'An act for the relief of Robert Coyle;'

'An act to compel clerks of the Circuit and County Courts, and Sheriffs, to give bond and security within the time therein prescribed;'

'An act to exempt the citizens of the town of Selma from working on roads beyond the limits of said town;'

'An act to repeal in part the statute of limitations in criminal cases;'

'An act for the relief of the Huntsville Bank; and.

'An act declaring certain roads therein named public roads, until otherwise directed by law; which were signed by Mr. President.

Mr. Moore, from the special committee, to whom was referred the memorial to the Congress of the United States, reported the same as amended; which was concurred in. Ordered to be read the third time on Thursday next.

Mr. Conner offered the following resolution: *Resolved* by the Senate, that with the concurrence of the House of Representatives, the Senate will assemble in the Representatives' Hall to-day at 7 o'clock for the purpose of electing county court judges; which was adopted.

Ordered, that the House of Representatives be informed thereof.

A resolution requiring the secretary of the Senate and clerk of the House of Representatives, to make a complete index to the Journals of the General Assembly, was read the second time, and ordered to be engrossed for a third reading on Thursday next.

A bill, to be entitled 'an act to define and make plain the western boundary line of Blount county,' was read the second time, and ordered to be read the third time on Thursday next.

Mr. Wood, from the committee on county boundaries, to whom was referred the petition of sundry persons, praying the establishment of a new county, reported a resolution defining more particularly the boundaries of certain counties therein named; which was read the 1st time.

The rule which requires all joint resolutions to be read on three several days was dispensed with, and said resolution was read the second time and ordered to be engrossed for a third reading on Thursday next.

The Senate according to order, resolved itself into a committee of

the whole, on the bill to be entitled 'an act to establish and regulate justices' courts in this state. Mr. Casey in the chair; and, after some time spent therein, the committee rose, and Mr. Casey reported, that the committee had instructed him to report progress and ask leave to sit again; which was refused.

Mr. Armstrong moved, that the further consideration of said bill, be postponed until the first day of the next session of the General Assembly; which was lost.

Yeas 9

Nays 10

The yeas & nays being called for, those who voted in the affirmative, are,

| | | | | |
|---------------|-------|---------|--------|----------|
| Mr. President | Bibb | Hopkins | Moore | Smith—9. |
| Armstrong, | Coats | M'Caney | Murphy | |

Those who voted in the negative, are,

| | | | | |
|-----------|----------|---------|-------------|----------|
| Mr. Casey | Crabb | M'Vay | Powell | Sullivan |
| Conner | Devereux | Metcalf | Shackleford | Wood—10. |

Mr. M'Vay moved, that said bill be laid upon the table; which was carried. Yeas 10—Nays 9.

The yeas & nays being called for, those who voted in the affirmative are,

| | | | | |
|---------------|-------|---------|-------|----------|
| Mr. President | Bibb | Hopkins | M'Vay | Murphy |
| Armstrong | Coats | M'Caney | Moore | Smith—10 |

Those who voted in the negative, are,

| | | | | |
|-----------|----------|---------|-------------|---------|
| Mr. Casey | Crabb | Metcalf | Shackleford | Wood—9. |
| Conner | Devereux | Powell | Sullivan | |

Mr. Shackleford offered the following resolution: *Resolved*, that when this house adjourns to-day, it stands adjourned until Thursday the 25th inst.' which was laid upon the table.

An engrossed resolution, providing for the organization of the 39th regiment of Alabama militia, was read the third time and passed.

Ordered, That the title be as aforesaid, and that the same be sent to the House of Representatives for their concurrence.

An engrossed bill, to be entitled 'an act for the more easy obtaining of testimony,' was read the third time; and on the question being put, shall the bill pass? it was decided in the negative.

Engrossed resolutions concerning the loan from the Tombeckbe Bank, were read the third time and passed.

The yeas & nays being desired, those who voted in the affirmative, are,

| | | | | |
|-----------|--------|----------|--------|----------|
| Mr. Casey | Conner | Devereux | Murphy | Sullivan |
| Coats | Crabb | Metcalf, | Smith | Wood—10. |

Those who voted in the negative, are,

| | | | | |
|---------------|---------|---------|--------|---------------|
| Mr. President | Bibb | M'Caney | Moore | Shackleford—9 |
| Armstrong | Hopkins | M'Vay | Powell | |

Ordered, that the title of said Resolution be as aforesaid, and that the same be sent to the House of Representatives for their concurrence.

An engrossed bill to be entitled 'an act authorizing the sale of lots relinquished in the town of Cahawba, under an act of the 28th of November 1821, was read the third time and passed. Yeas 15—Nays 4.

The yeas & nays being called for, those who voted in the affirmative, are,

| | | | | |
|---------------|--------|---------|---------|-------------|
| Mr. President | Coats | Hopkins | Metcalf | Shackleford |
| Armstrong | Conner | M'Caney | Moore | Smith |
| Casey | Crabb | M'Vay | Powell | Wood—15. |

Those who voted in the negative, are,

| | | | |
|----------|----------|--------|-------------|
| Mr. Bibb | Devereux | Murphy | Sullivan—4. |
|----------|----------|--------|-------------|

Ordered, that the title of said bill be 'an act,' &c. and that the same be sent to the House of Representatives for their concurrence.

An engrossed bill to be entitled 'an act to increase the compensation of

certain commissioners appointed by an act entitled an act to appoint commissioners to lay out certain roads therein specified, and for other purposes, passed the 17th December 1821," was read the third time.

Mr. Murphy moved to fill the blank in said bill, where it provides for the compensation to be allowed the commissioners, with three dollars, which was carried. Yeas 10—Nays 8.

The yeas & nays being called for, those who voted in the affirmative, are,

| | | | | |
|---------------|------|----------|--------|--------------|
| Mr. President | Bibb | Devereux | McCamy | Murphy |
| Armstrong | Cass | Hopkins | Moore | Saunders—10. |

Those who voted in the negative, are,

| | | | |
|-----------|-------|---------|----------|
| Mr. Coats | Crabb | Metcalf | Sullivan |
| Conner | M'Vay | Powell | Wood—8. |

The bill was the passed.

Ordered that the words 'a bill to be entitled' be stricken out, and that the same be sent to the House of Representatives for their concurrence.

An engrossed bill, to be entitled 'an act to provide for the printing binding and disposal of the Digest of the statute laws of the State of Alabama,' was read the third time, and ordered to lie on the table.

An engrossed bill, to be entitled 'an act concerning the Huntsville Masonic lottery' was read the third time and passed.

Ordered, that the words 'an engrossed bill to be entitled' be stricken out, and that the same be sent to the House of Representatives for their concurrence.

An engrossed bill, to be entitled 'an act concerning the Huntsville Masonic Lottery,' was read the third time & passed. Ordered, that the words 'an engrossed bill to be entitled' be stricken out, and that the same be sent to the House of Representatives for their concurrence.

An engrossed bill, to be entitled 'an act to repeal in part and amend an act entitled an act to regulate elections, &c. passed at Huntsville 16th Dec. 1819,' was read the third time and passed.

Ordered, that the words 'engrossed bill to be entitled' be stricken out, and that the same be sent to the House of Representatives for their concurrence.

Mr. Moore, from the special committee, to whom was referred the resolution of the Senate calling on the commissioners of reserved lands adjoining the town of Cahawba, reported, a Resolution for the relief of Matthew B. Thomason ;' which was read the first time, and ordered to be read the second time on Thursday next.

On motion the Senate adjourned till 3 o'clock, P. M.

3 o'clock, P. M.

The Senate met pursuant to adjournment.

A memorial from the House of Representatives, to the Congress of the United States to procure further relief to the purchasers of public lands in this state, was read the third time and ordered to be laid upon the table.

An engrossed bill, to be entitled 'an act, for the relief of Augustin Hood and Arnold Thomason, was read the third time and passed.

Ordered, that the words 'an engrossed bill to be entitled' be stricken out, and that the same be sent to the House of Representatives for their concurrence.

A memorial to the Congress of the United States upon the subject of the fortifications at Mobile Point and Dauphin Island, was read the third time and passed.

Ordered, that the same be sent to the House of Representatives for their concurrence.

A message was received from the Governor by J. J. Pleasants, Esq. secretary of state, informing the Senate that he did on the 23d inst. approve and sign,

An act for the government of the Port and Harbour of Mobile;

An act to establish a publick road from the house of John Gaudre to Morgan county, to Baltimore in Blount county;

An act to alter "an act extending the jurisdiction of the County Court of Mobile county, passed 17th Dec. 1821," and

An act to prevent frivolous and vexatious law suits; and on this day,

An act to continue in force and amend an act entitled an act to repeal in part and amend an act entitled an act to regulate the proceedings in the courts of law and equity in this state, and for other purposes therein mentioned, and,

An act to provide for the printing of the laws and journals, and for other purposes; all of which originated in this house.

A message from the House of Representatives, by Mr. Terrell:
Mr. President,

I am instructed by the House of Representatives to inform your honorable body, that they have read a third time and passed a bill originating in their House, entitled "an act authorizing Elisha Thomas and Davis Gurley and their associates to turnpike a certain road therein designated; in which they desire your concurrence.

They have adopted the resolution from the Senate proposing to go into the election of County Court Judges this evening at 7 o'clock, which they have amended, by adding the following words "and also five commissioners of the Port and Harbour of Mobile," in which they desire your concurrence.

They also concur in the resolution of your Honorable body, proposing to go into the election of a State Printer this evening at 7 o'clock.

Ordered, that the senate concur in the amendment made by the House of Representatives to the resolution proposing to go into the election of County Court Judges this evening at 7 o'clock.

A bill from the House of Representatives, entitled "an act authorizing Elisha Thomas and Davis Gurley, and their associates to turnpike a road therein designated," was read the first time. The rule which requires all bills to be read on three several days was dispensed with, and the bill was read the second time.

Ordered, that said bill be committed to a committee consisting of Messrs. Crabb, Metcalf and M'Vay.

A message from the House of Representatives by Mr. Dodson, their clerk:
Mr. President,

The House of Representatives have read a third and passed, a resolution from your Honorable body, for the relief of Anderson Crenshaw:

They have also, read a third time and passed a bill, originating in this House, entitled "an act to revise, consolidate, and amend the several acts relative to the Militia of this State;" in which they desire your concurrence.

They have also, read the third time and passed, bills from your honorable body, entitled "an act authorizing Nicholas Pope to emancipate a certain slave therein named;" and

"An act to prescribe the mode of certifying executions from justices of the peace from one county to another."

They concur in all the amendments made by your honorable body, to the bill, entitled

An act to raise a revenue for the support of Government for the year 1823.

A bill from the House of Representatives, entitled 'an act to revise, consolidate, and amend the several acts relative the militia of this state,' was read the first time. The rule which requires all bills to be read on three several days, was dispensed with; and said bill was read the second time, and ordered to be committed to the Military committee to examine and report thereon.

A bill from the House of Representatives, entitled 'an act to alter and extend the boundaries of Wilcox county,' was read the third time and passed.

Ordered, that the House of Representatives be informed thereof.

The Senate adjourned until 7 o'clock, P. M.

7 o'clock P. M.

The Senate met pursuant to adjournment.

A message from the House of Representatives, by Messrs. Davis and Morton:

Mr. President,

The House of Representatives have adopted the following resolution:

'Resolved, that a message be sent to the Senate, to inform them, that this House is now ready to go into the election of County Judges for the several counties in this state, and a State Printer: Whereupon, the members of the Senate repaired to the Hall of the House of Representatives, and after having taken the seats assigned them, Mr. President arose and declared the object of the meeting—when both houses proceeded to the election of a judge of the county court of Mobile county:—John C. Mitchell being in nomination.

Those who voted for Mr. Mitchell, are,

| | | | | |
|---------------|-------------|---------------|-------------|------------|
| Mr. President | Smith | Durrett | Hardwicke | Riviere |
| Armstrong | Sullivan | Davis | Hill | Rutherford |
| Bibb | Wood | Edmondson | Harvey | Rather |
| Casey | Mr. Speaker | Fitzpatrick | Jones | Skimmer |
| Coats | Adair | Fitz | Jackson | Shortridge |
| Conner | Abercrombie | Farrar | Kennedy | Sanders |
| Crabb | Adams | Fearn | Leake | Taylor |
| Devereux | Browne | Ford | Mead | Terrell |
| Hopkins | Barclay | Gayle | Merriwether | Thompson |
| M'Camy | Bailey | Harris of B. | Montgomery | Wallace |
| M'Vay | Browning | Harris of W. | Martin | Winston |
| Metcalf | Crenshaw | Hunter, of T. | Morton | Weissinger |
| Moore | Coleman | Hunter of C. | McClung | Williams |
| Murphy | Clay | Hubbard | Oliver | Young—74 |
| Shackelford | Dulaney | Hallett | Pope | |

Mr. Mitchell having a majority of the whole number of votes, was declared by Mr. Speaker to be duly and constitutionally elected Judge of the county court of Mobile county.

Both Houses then proceeded to the election of a Judge of the county court of Baldwin county.—Sylvester Bill being in nomination.

Those who voted for Mr. Bill are the same as in the election for Judge of the county court of Mobile county.

Mr. Bill having a majority of the whole number of votes, was declared by Mr. Speaker, to be duly elected.

Both Houses then proceeded to the election of a Judge of the county court of Washington county.—Morrison Hunter being in nomination.

Those who voted for Mr. Hunter are the same as in the election of Judge of the county court of Mobile county.

Mr. Hunter having a majority of the whole number of votes, was declared by Mr. Speaker to be duly elected.

Both houses then proceeded to the election of a Judge of the county court for Conecuh county—John E. Graham and John Deane being in nomination.

The votes stood thus:

For Mr. Graham 48—For Mr. Deane 26.

Those who voted for Mr. Graham, are,

| | | | | |
|---------------|--------------|-------------|---------------|---------------|
| Mr. President | M'Vay | Abercrombie | Fitz | M'Clung |
| Armstrong | Metcalf | Adams | Farrar | Rutherford |
| Bibb | Moore | Barclay | Fearn | Riviere |
| Casey | Murphy | Bailey | Ford, | Skinner |
| Coats | Shackleford | Browne | Gayle | Shortridge |
| Conner | Smith | Browning | Harris, of B. | Terrell |
| Crabb | Sullivan | Crenshaw | Harris of W. | Wallace |
| Devereux | Wood | Davis | Hill | Wensinger—45. |
| Hopkins | Mr. Speaker, | Edmondson | Kennedy | |
| M'Camy | Adair | Fitzpatrick | Leake | |

Those who voted for Mr. Deane, are,

| | | | | |
|---------------|-----------|--------------|----------|-----------|
| Mr. Clay | Hubbard | Mead | Pope | Williams |
| Coleman | Hallett | Merriwether, | Rather | Young—26. |
| Dulaney | Hardwicke | Montgomery | Sanders | |
| Durrett | Harvey | Morton | Taylor | |
| Hunter of T. | Jones | Martin | Thompson | |
| Hunter, of C. | Jackson | Oliver | Winston | |

Mr. Graham having a majority of the whole number of votes, was declared by Mr. Speaker to be duly elected.

Both Houses then proceeded to the election of a Judge of the county court for Clarke county—Robert Lee and John G. Creagh being in nomination. The votes stood thus:

For Mr. Lee 44—For Mr. Creagh 30.

Those who voted for Mr. Lee, are,

| | | | | |
|---------------|-------------|--------------|------------|-----------|
| Mr. President | Metcalf | Clay | Hubbard | Skinner |
| Bibb | Moore | Dulaney | Hardwicke | Sanders |
| Coats | Shackleford | Durrett, | Jones | Taylor |
| Conner | Smith | Davis | Kennedy | Terrell |
| Crabb | Wood | Edmondson | Leake | Thompson |
| Devereux | Mr. Speaker | Fitzpatrick | Mead | Wensinger |
| Hopkins | Adair | Fitz | Montgomery | Wallace |
| M'Camy | Abercrombie | Fearn | Riviere | Young—44. |
| M'Vay | Browning | Harris of W. | Rather | |

Those who voted for Mr. Creagh, are,

| | | | | |
|---------------|----------|--------------|-------------|--------------|
| Mr. Armstrong | Bailey | Gayle | Harvey | Oliver |
| Casey | Browne | Harris of B. | Jackson | Pope |
| Murphy | Crenshaw | Hunter of T. | Merriwether | Rutherford |
| Sullivan | Coleman | Hunter of C. | Morton | Shortridge |
| Adams | Farrar | Hallett | Martin | Winston, |
| Barclay | Ford | Hill, | M'Clung | Williams—30. |

Mr. Lee having a majority of the whole number of votes, was declared by Mr. Speaker to be duly elected Judge of the county court for Clarke county.

Both Houses then proceeded to the election of a Judge of the county court for Henry county—David Caldwell being in nomination.

Those who voted for Mr. Caldwell are the same as in the election of Judge of the county court for Mobile county.

Mr. Caldwell having a majority of the whole number of votes, was declared by Mr. Speaker to be duly elected.

Both houses then proceeded to the election of a Judge of the county court for Dallas county—Nathan Bargent being in nomination.

Those who voted for Mr. Sargent are the same as in the election of Judge for the county court of Mobile county.

Mr. Sargent having a majority of the whole number of votes, was declared by Mr. Speaker to be duly elected.

Both houses then proceeded to the election of a Judge of the county court for Perry county—Charles J. Shackleford being in nomination.

Those who voted for Mr. Shackleford are the same as in the election for Judge of the county court of Mobile county.

Mr. Shackleford having a majority of the whole number of votes, was declared by Mr. Speaker duly elected.

Both houses then proceeded to the election of a Judge of the county court for Marengo county—Thomas Ringgold being in nomination.

Those who voted for Mr. Ringgold are the same as in the election of Judge of the county court for Mobile county.

Mr. Ringgold having a majority of the whole number of votes, was declared by Mr. Speaker to be duly elected.

Both houses then proceeded to the election of a Judge of the county court for Greene county—William Murphy being in nomination.

Those who voted for Mr. Murphy are the same as in the election of a Judge of the county court of Mobile county.

Mr. Murphy having a majority of the whole number of votes, was declared by Mr. Speaker to be duly elected.

Both houses then proceeded to the election of a Judge of the county court of Tuscaloosa county—Hume R. Field being in nomination.

Those who voted for Mr. Field are the same as in the election of Judge of the county court for Mobile county.

Mr. Field having a majority of the whole number of votes, was declared by Mr. Speaker to be duly elected.

Both houses then proceeded to the election of a Judge of the county court for Bibb county—Andrew M. Lusk being in nomination.

Those who voted for Mr. Lusk are the same as in the election of a Judge of the county court for Mobile county.

Mr. Lusk having a majority of the whole number of votes, was declared by Mr. Speaker to be duly elected.

Both houses then proceeded to the election of a Judge of the county court for Montgomery county—Nimrod E. Benson being in nomination.

Those who voted for Mr. Benson are the same as in the election for Judge of the county court for Mobile county.

Mr. Benson having a majority of the whole number votes, was declared by Mr. Speaker to be duly elected.

Both houses then proceeded to the election of a Judge of the county court for Shelby county—Thomas W. Smith being in nomination.

Those who voted for Mr. Smith are the same as in the election of Judge of the county court for Mobile county.

Mr. Smith having a majority of the whole number of votes, was declared by Mr. Speaker to be duly elected.

Both houses then proceeded to the election of a judge of the county court for St. Clair county—Robert Lawson being in nomination.

Those who voted for Mr. Lawson are the same as in the election for Judge of the county court of Mobile county.

Mr. Lawson having a majority of the whole number of votes, was declared by Mr. Speaker to be duly elected.

Both houses then proceeded to the election of a Judge of the county

court for Jefferson county—John Brown (Red) being in nomination. Those who voted for Mr. Brown are the same as in the election of Judge of the county court for Mobile county.

Mr. Brown having a majority of the whole number of votes, was declared by Mr. Speaker to be duly elected.

Both houses then proceeded to the election of a Judge of the county court for Blount county—Patrick Scott and John Gilbreath being in nomination; the votes stood thus:

For Mr. Scott 44—For Mr. Gilbreath 29.

Those who voted for Mr. Scott, are,

| | | | | |
|---------------|-------------|--------------|------------|----------|
| Mr. President | Shackleford | Davis | Hubbard | Morton |
| Bibb | Smith | Edmondson | Hardwicke | Oliver |
| Conner | Mr. Speaker | Fitzpatrick | Harvey | Pope |
| Crabb | Abercrombie | Fitz | Jones | Riviere |
| Devereux | Adams | Fearn | Jackson | Sanders |
| Hopkins | Browning | Gayle | Keenely | Taylor |
| M'Camy | Crenshaw | Harris of B. | Leake | Winslow |
| Moore | Clay | Harris of W. | Mead | Young—44 |
| Murphy | Durrett | Hunter of C. | Montgomery | |

Those who voted for Mr. Gilbreath, are,

| | | | | |
|---------------|-----------|--------------|-------------|----------------|
| Mr. Armstrong | Wood | Dulaney | Merriwether | Terrell |
| Coats | Mr. Adair | Farrar | Martin | Thompson |
| Casey | Barclay | Ford | Rutherford | Wallace |
| M'Vay | Bailey | Hunter of T. | Rather | Williams |
| Metcalf | Browne | Hallett | Skinner | Weissinger—29. |
| Sullivan | Coleman | Hill | Shortridge | |

Mr. Scott having a majority of the whole number of votes, was declared by Mr. Speaker to be duly elected Judge of the county court of Blount county.

Both houses then proceeded to the election of a Judge of the county court for Marion county—Anderson Ritter being in nomination.

Those who voted for Mr. Ritter are the same as in the election of Judge of the county court of Mobile county, except Messrs Mead and Leake who failed to vote.

Mr. Ritter having a majority of the whole number of votes, was declared by Mr. Speaker to be duly elected.

Both houses then proceeded to the election of a Judge of the county court for Franklin county—James Davis being in nomination.

Those who voted for Mr. Davis are the same as in the election of Judge of the county court for Mobile county.

Mr. Davis having a majority of the whole number of votes, was declared by Mr. Speaker to be duly elected.

Both houses then proceeded to the election of a Judge of the county court for Autauga county—William R. Pickett and Alwin A. M'Whorter being in nomination. The votes stood thus:

For Mr. M'Whorter 37—For Mr. Pickett 34.

Those who voted for Mr. M'Whorter, are,

| | | | | |
|---------------|-------------|--------------|---------------|------------|
| Mr. President | Shackleford | Clay | Hunter, of C. | Pope |
| Armstrong | Sullivan | Dulaney | Hubbard, | Riviere |
| Bibb | Mr. Speaker | Durrett | Hallett, | Shortridge |
| Conner | Adair | Davis, | Leake, | Sanders |
| Hopkins | Abercrombie | Edmondson, | Merriwether | Young—37. |
| McVay | Bailey | Fitz | Montgomery | |
| McCamy | Browne | Fearn, | Morton | |
| Moore | Browning | Harris, of B | M'Clung, | |

Those who voted for Mr. Pickett, are,

R

the election of
except Mr. President, Sul

Mr. Casey
Coats
Crabb
Devereux
Metcalf
Murphy
Smith

Wood
Adams
Barclay
Crenshaw
Coleman
Fitzpatrick
Farrar

Ford
Gayle,
Harris, of W.
Hunter of T.
Hardwicke
Hill
Harvey

Jones
Jackson
Kennedy
Oliver
Rutherford
Rather
Skiuner

Taylor
Terrell
Thompson
Wallace
Weissinger
Williams—84.

Mr. M^cWhorter having a majority of the whole number of votes, was declared by the Speaker to be duly elected.

Both houses then proceeded to the election of a Judge of the county court of Lauderdale county—William S. Fulton being in nomination.

Those who voted for Mr. Fulton are the same as in the election of Judge of the county court for Mobile county.

Mr. Fulton having a majority of the whole number of votes was declared by Mr. Speaker to be duly elected.

Both houses then proceeded to the election of a Judge for the county court of Limestone county—Daniel Coleman being in nomination.

Those who voted for Mr. Coleman are the same as in the election of Judge of the county court of Mobile county.

Mr. Coleman having a majority of the whole number of votes, was declared by Mr. Speaker to be duly elected.

Both houses then proceeded to the election of a Judge of the county court of Lawrence county—Peter W. Taylor being in nomination.

Those who voted for Mr. Taylor are the same as in the election of Judge of the county court of Mobile county, except Mr. Harris, of Wilcox, who failed to vote.

Mr. Taylor having a majority of the whole number of votes, was declared by Mr. Speaker to be duly elected.

Both houses then proceeded to the election of a Judge of the county court of Morgan county—Stephen Heard and Robert Tapscott being in nomination; the votes stood thus:

For Mr. Heard 63—For Mr. Tapscott 11.

Those who voted for Mr. Heard, are,

| | | | | |
|---------------------|-------------|---------------|----------------------|------------|
| Mr. President | Murphy | Durrett | Hallett | Riviere |
| Armstrong | Shackleford | Edmondson | Hill | Skinner, |
| Bibb | Smith | Fitzpatrick | Harvey | Sanders |
| Casey | Sullivan | Fitz | Jackson | Taylor |
| Coats | Wood | Farrar | Mead | Terrell |
| Conner | Mr. Speaker | Fearn | Merriwether | Thompson |
| Crabb | Adair | Ford | Montgomery | Wallace |
| Devereux | Abercrombie | Gayle | Martin | Winston |
| Honkins | Adams | Harris of B. | Morton | Weissinger |
| M ^c Camy | Barclay | Harris, of W. | M ^c Clung | Williams |
| M ^c Vay | Bailey | Hunter, of T. | Oliver | Young—63. |
| Metcalf | Browne | Hunter of C. | Pope | |
| Moore | Browning | Hubbard | Rutherford | |

Those who voted for Mr. Tapscott, are,

| | | | |
|--------------|-----------|---------|----------------|
| Mr. Crenshaw | Dulaney | Jones | Rather |
| Clay | Davis | Kennedy | Shortridge—11. |
| Coleman | Hardwicke | Leake | |

Mr. Heard having a majority of the whole number of votes, was declared by Mr. Speaker to be duly elected.

Both houses then proceeded to the election of a Judge of the county court of Madison county—Samuel Chapman and Thomas Wooldridge being in nomination; the votes stood thus:

For Mr. Chapman 55—For Mr. Wooldridge 17.

Those voted for Mr. Chapman, are,

| | | | | |
|---------------|-------------|---------------|------------|--------------|
| Mr. President | Wood | Coleman | Hubbard | Oliver |
| Armstrong | Mr. Speaker | Dulaney | Hallett | Pope |
| Bibb | Adair | Durrett | Hardwicke | Rutherford, |
| Casey | Abercrombie | Davis | Harvey | Riviere |
| Conner | Adams | Fitz | Jones | Rather |
| Devereux | Barclay | Fitzpatrick | Jackson | Skinner |
| M'Camy | Bailey | Fearn | Kennedy | Shortridge |
| M'Vay | Browne | Harris of B. | Mead, | Taylor |
| Murphy | Browning | Harris of W. | Montgomery | Thompson |
| Shackleford | Crenshaw | Hunter, of C. | Morton | Wallace |
| Smith | Clay | Hunter of T. | M'Clung | Williams—35. |

Those who voted for Mr. Wooldridge, are,

| | | | | |
|-----------|-----------|-------------|---------|--------------|
| Mr. Coats | Moore | Gayle | Martin | Weisinger—17 |
| Crabb | Sullivan | Hill | Sanders | |
| Hopkins | Edmondson | Leake | Terrell | |
| Metcalf | Ford | Merriwether | Winston | |

Mr. Chapman having a majority of the whole number of votes, was declared by Mr. Speaker to be duly elected Judge of the county court of Madison county.

Both Houses then proceeded to the election of a Judge of the county court for Jackson county—Robert Hawkins and James Scruggs being in nomination. The votes stood thus:

For Mr. Hawkins 44—Mr. Scruggs 27.

Those who voted for Mr. Hawkins, are,

| | | | | |
|---------------|-------------|--------------|-------------|------------|
| Mr. President | M'Camy | Durrett | Harvey | Pope |
| Armstrong | M'Vay | Edmondson | Jackson | Rutherford |
| Bibb | Metcalf | Fearn | Leake | Sanders |
| Casey | Murphy | Ford | Mead | Winston |
| Coats | Moore | Harris of W. | Merriwether | Wallace |
| Conner | Shackleford | Hunter of T. | Montgomery | Weisinger |
| Crabb | Smith | Hubbard | Martin | Williams |
| Devereux | Mr. Adair | Hallett | M'Clung | Young—44 |
| Hopkins | Clay | Hill | Oliver | |

Those who voted for Mr. Scruggs, are,

| | | | | |
|--------------|----------|---------------|---------|-------------|
| Mr. Sullivan | Bailey | Fitzpatrick | Jones | Shortridge |
| Wood | Browne | Fitz | Kennedy | Taylor |
| Mr. Speaker | Browning | Farrar | Morton | Thompson—27 |
| Abercrombie | Crenshaw | Harris, of B. | Riviere | |
| Adams | Coleman | Hunter, of C. | Rather | |
| Barclay | Davis | Hardwicke | Skinner | |

Mr. Hawkins having a majority of the whole number of votes, was declared by Mr. Speaker to be duly elected.

Both Houses then proceeded to the election of a Judge of the county court for Decatur county—Hezekiah Bailes being in nomination.

Those who voted for Mr. Bailes are the same as in the election of Judge of the county court of Mobile county, except Messrs. Hubbard, Montgomery and Young, who failed to vote.

Mr. Bailes having a majority of the whole number of votes, was declared by Mr. Speaker to be duly elected.

Both Houses then proceeded to the election of a Judge of the county court for Pike county—John Sikes being in nomination.

Those who voted for Mr. Sikes are the same as in the election of Judge of the county court of Mobile county, except Messrs. Crabb and M'Clung, who failed to vote.

Mr. Sikes having a majority of the whole number of votes, was declared by Mr. Speaker to be duly elected.

Both Houses then proceeded to the election of a Judge of the county court for Pickens county—Solomon Marshall being in nomination.

Those who voted for Mr. Marshall are the same as in the election of Judge of the county court of Mobile county, except Mr. President, Sul-

ivan, Adair, Abercrombie, Edmondson, Fitz, Fearu, Harris, of Wilcox, Leake, Montgomery, Morton, Sanders, Taylor, Winston and Young, who failed to vote.

Mr. Marshall having a majority of the whole number of votes, was declared by Mr. Speaker to be duly elected.

Both Houses then proceeded to the election of a Judge of the county court for Covington county—Henry D. Stone being in nomination.

Those who voted for Mr. Stone are the same as in the election of Judge of the county court of Mobile county, except Messrs. Conner, Shackelford, and Harris, of Wilcox.

Mr. Stone having a majority of the whole number of votes, was declared by Mr. Speaker to be duly elected.

Both Houses then proceeded to the election of a Judge of the county court for Monroe county—Nathaniel Dodson being in nomination.

Those who voted for Mr. Dodson are the same as in the election of Judge of the county court of Mobile county.

Mr. Dodson having a majority of the whole number of votes, was declared by Mr. Speaker to be duly elected.

Both Houses then proceeded to the election of a Judge of the county court for Wilcox county—Edwin L. Harris and Reuben Hill being in nomination. The votes stood thus:

For Mr. Harris 32—Mr. Hill 2.

Those who voted for Mr. Harris, are,

| | | | | |
|---------------|----------|---------------|----------|-------------|
| Mr. President | Smith | Ford | Kennedy | Taylor |
| Coats | Wood | Fitzpatrick | Mead | Wallace |
| Conner | Adams | Hunter, of T. | Morton | Weissinger |
| Crabb | Browning | Harris of B. | Oliver | Williams—32 |
| Devereux | Crenshaw | Hallett | Pope | |
| Hopkins, | Coleman | Harvey | Riviere, | |
| Shackelford | Davis | Jones | Sanders | |

Those who voted for Mr. Hill, are,

Mr. M^cCamy Murphy—2

Neither having a majority, of the whole number of votes, both Houses proceeded to vote again for Judge of the county court of Wilcox county—Edwin L. Harris, Reuben Hill, and James A. Tait being in nomination. The votes stood thus:

For Mr. Harris 23—Mr. Tait 14.

Those who voted for Mr. Harris, are,

| | | | | |
|----------------|----------|--------------|-------------|-------------|
| Mr. President, | Smith | Ford | Kennedy | Taylor |
| Conner, | Wood | Fitzpatrick | Mead, | Wallace |
| Coats | Adams | Hunter of T. | Merrivether | Weissinger |
| Hopkins | Browning | Hardwicke | Morton | Williams—23 |
| Murphy | Crenshaw | Harvey, | Shortridge | |
| Shackelford | Coleman | Jones | Sanders | |

Those who voted for Mr. Tait, are,

| | | | | |
|---------------------|---------------------|---------|-----------|-------------|
| Mr. Armstrong | M ^c Vay, | Clay | Edmondson | Rather |
| Bibb | Sullivan | Durratt | Pope | Thompson—14 |
| M ^c Camy | Mr. Speaker | Davis | Oliver | |

Mr. Harris having a majority, Mr. Speaker declared him duly elected.

Both Houses then proceeded to the election of a Judge of the county court of Butler county—William Lee and Nathan Cook being in nomination: the votes stood thus:

For Mr. Cook 43—Mr. Lee 28.

Those who voted for Mr. Cook, are,

| | | | | |
|---------------|----------|---------------------|--------------------|-------------|
| Mr. President | Casey | Hopkins | Metcalf | Shackelford |
| Armstrong | Conner | M ^c Camy | Meele | Smith |
| Bibb | Devereux | M ^c Vay | M ^c Phy | Sullivan |

| | | | | |
|-------------|--------------|--------------|--------------|------------|
| Wood | Crenshaw | Harris of W. | Merriweather | Pope |
| Mr. Speaker | Clay | Hunter of T. | Montgomery | Rutherford |
| Adair | Fitz | Hunter of C. | Mead | Shortridge |
| Adams | Fearn | Hulbard | Morton | Sanders—31 |
| Bailey | Gayle | Hallett | McClung | |
| Browning | Harris of B. | Jackson | Oliver | |

Those who voted for Mr. Lee, are.

| | | | | |
|-------------|-------------|-----------|---------|-------------|
| Mr. Coats | Dulaney | Hardwicke | Martin | Thompson |
| Crabb | Durrett | Hill | Riviere | Winston |
| Abercrombie | Davis | Harvey | Rather | Weisinger |
| Barclay | Edmondson | Jones | Skinner | Williams—28 |
| Browne | Fitzpatrick | Kennedy | Taylor | |
| Coleman | Ford | Leake | Terrell | |

Mr. Cook having a majority of the whole number of votes, was declared by Mr. Speaker to be duly elected.

Both Houses then proceeded to the election of a State Printer:—William B. Allen, and Richard B. Brickell being in nomination: the votes stood thus: For Mr. Allen 48—Mr. Brickell 29.

Those who voted for Mr. Allen, are.

| | | | | |
|-------------|-------------|--------------|--------------|-------------|
| Mr. Bibb | Smith | Coleman | Hill | Shortridge |
| Casey | Sullivan | Fitzpatrick | Harvey | Taylor |
| Coats | Wood | Farrar | Jones | Terrell |
| Conner | Mr. Speaker | Ford | Jackson | Thompson |
| Deveretix | Adams | Gayle | Kennedy | Wallace |
| M'Vay | Barclay | Harris of B. | Merriweather | Weisinger |
| Metcalf | Bailey | Hunter of T. | Oliver | Williams—43 |
| Murphy | Browning | Hunter of C. | Rutherford | |
| Shackleford | Crenshaw | Hardwicke | Riviere | |

Those who voted for Mr. Brickell, are.

| | | | | |
|---------------|-------------|-----------|------------|----------|
| Mr. President | Adair | Davis | Leake | Pope |
| Armstrong | Abercrombie | Edmondson | Mead | Rather |
| Crabb | Browne | Fitz | Montgomery | Sanders |
| Hopkins | Clay | Fearn | Morton | Winston |
| M'Camy | Dulaney | Hulbard | Martin | Young—20 |
| Moore | Durrett | Hallett | McClung | |

Mr. Allen having a majority of the whole number of votes, was declared by Mr. Speaker to be duly elected.

The two Houses then proceeded to the election of five commissioners for the Port and Harbour of Mobile—Daniel M'Gibbon, Henry Gunnison, Thomas T. Holt, Francis B. Stockton, and Joseph W. Moore, being in nomination:

Those who voted for Messrs. M'Gibbon, Gunnison, Holt, Stockton, and Moore are the same as in the election for Judge of the county court of Mobile county.

Daniel M'Gibbon, Henry Gunnison, Thomas T. Holt, Francis B. Stockton, and Joseph W. Moore having a majority of the whole number of votes, were declared by Mr. Speaker to be duly elected.

The elections having been gone through, the Senate withdrew and retired to their own chamber, and Mr. President resumed the chair.

Mr. Casey moved, that the Senate do now adjourn till Thursday morning at 9 o'clock; which was decided in the affirmative. Yeas 10—Nays 8.

The yeas and nays being desired, those who voted in the affirmative are,

| | | | | |
|---------------|-------|---------|--------|-------------|
| Mr. President | Casey | Hopkins | Moore | Shackleford |
| Armstrong | Crabb | M'Camy | Murphy | Smith—10. |

Those who voted in the negative, are,

| | | | | |
|----------|-----------|---------|----------|---------|
| Mr. Bibb | Conner | M'Vay | Sullivan | Wood—8. |
| Coats | Deveretix | Metcalf | | |

Whereupon, Mr. President adjourned the Senate till Thursday morning at nine o'clock.

Thursday, Dec. 26, 1822.

The Senate met pursuant to adjournment.

Mr. Moore, from the committee on enrolled bills, reported as correctly enrolled, 'an act authorizing pay to the Trustees of the State University for their services,' which was signed by Mr. President.

A message from the House of Representatives, by Mr. Dodson, their clerk:

Mr. President—I am instructed to inform your honorable body, that the House of Representatives concur in the amendments made by your honorable body, to a bill entitled 'an act to establish a turnpike road leading from Lawrence county to intersect the military road at Pikesville in Marion county.'

They have read a third time and passed a bill from your honorable body, entitled 'an act to enforce the payment of monies collected by officers of courts.'

They have also read a third time and passed resolutions originating in their House, entitled 'resolutions relative to the dividing line between this state and the state of Georgia,' in which they desire your concurrence.

Resolutions from the House of Representatives, relative to the dividing line between this state and the state of Georgia, were read the first time. The rule which requires all joint resolutions to be read on three several days being dispensed with, said resolutions were read the second time forthwith and ordered to a third reading on to-morrow.

A resolution for the relief of Matthew D. Thomason was read the 2d time, and ordered to be engrossed for a third reading on to-morrow.

A bill from the House of Representatives, entitled 'an act to provide for the emancipation of slaves,' was taken up and read the third time.

Mr. Moore offered an amendment to said bill by way of rider, prohibiting the migration of free negroes and mulattoes to this state, which was read three several times and adopted. The bill was then passed as amended. *Ordered*, that the words 'and to prevent free negroes from removing within the limits of this state,' be added to the title of said bill, and that the same be sent to the House of Representatives for their concurrence.

Mr. Crabb, from the committee on privileges and elections, to whom was referred the memorial of James Magoffin, contesting the right of Neal Smith to a seat in the Senate, made the following report:

The committee to whom was referred the memorial of James Magoffin, contesting the right of Neal Smith to a seat in this House as Senator from the district composed of the counties of Clarke and Wilcox, having had the same under consideration, beg leave to report, That the memorial states in substance that said Smith for a year and more next preceding his election resided at the same place as at the time of his election; that by a law passed on the 23d day of November, 1821, within a year before the election, the boundary line between the counties of Clarke and Monroe was altered; before this alteration, the residence of said Smith was included in the county of Monroe, and that by the alteration it was included in the county of Clarke.

Your committee on this statement of the facts have proceeded to inquire whether the provision in the 12th section of the third article of the constitution, which declares that no person shall be a Senator unless for the year next preceding his election he shall be a resident of the district for which he shall be chosen, applies to this case.

By the tenth section of the same article, it is provided that the General Assembly shall, at stated periods divide the state into senatorial districts, each of which shall be entitled to one senator. Under the third, ninth, tenth, and twelfth sections of the same article, the senators must generally if not in all cases be elected within less than a year from the time of laying off the districts and making the apportionment.

Can it be supposed that a person so elected to represent a district laid out within a year next preceding his election, wants the qualifications as to residence which is necessary to entitle him to a seat in this House.

If at the next apportionment the county of Clarke should form part of one district and the county of Wilcox part of another and the election should be made as must be to give effect to the several provisions in the third article of the constitution within a year thereafter, your committee are unable to perceive under the construction contended for by the memorialist, how any resident of Clarke or Wilcox county could be entitled to a seat in this House and by the same rule of construction alterations in the boundaries might, and in many cases would, operate so as to exclude citizens to whom the right of voting appears to have been intended to be secured by the 5th section of the 3d article of the constitution from voting in any county, and to exclude from the House of Representatives persons possessing all the qualifications prescribed by the third section of the fourth article.

The construction contended for by the memorialist appears therefore to result in this, that the Legislature have no power to alter the boundaries of a county unless when making the general apportionment of Senators or Representatives, or that they have the power to exclude from the right of suffrage, and to a seat in either branch of the General Assembly, citizens to whom their rights appear to be secured by the constitution.

Your committee are therefore of opinion that said Neal Smith is entitled to his seat in this house as senator from the district composed of the counties of Clarke and Wilcox, and that the prayer of said memorialist is unreasonable; which report was concurred in.

A bill from the House of Representatives entitled 'an act to authorize administrators to sell land belonging to the estate of their intestate, to which a complete title has not been obtained;' was read the third time and passed. Ordered, that the House of Representatives be informed thereof.

A bill from the house of Representatives entitled 'an act to authorize the judge of the county court and commissioners of roads and revenue of Butler county, to levy a county tax, and for other purposes,' was read the third time and passed. Ordered, that the House of Representatives be informed thereof.

A bill from the House of Representatives entitled 'an act to appoint commissioners to lay out a road therein specified' was read a third time. Mr. Powell offered the following amendment to said bill by way of rider: *Provided*, that the aforesaid commissioners shall receive from the state treasury no compensation for their services' which was read three several times and adopted. The bill was then passed as amended. Ordered, that the House of Representatives be informed thereof.

A bill from the House of Representatives entitled 'an act to provide for paying for the public buildings of Lawrence county' was read the third time and passed. Ordered, that the House of Representatives be informed thereof.

A bill from the House of Representatives, entitled 'an act to define and make plain the western boundary line of Blount county, was read the third time and laid upon the table.

A bill from the House of Representatives entitled 'an act to amend an act entitled an act to regulate the rate of interest, passed 17th Dec. 1819' was read the third time and laid upon the table.

An engrossed bill to be entitled 'an act for the relief of certain persons therein named,' was read the third time and passed. Ordered, that the title be 'an act' &c. and that the same be sent to the House of Representatives for their concurrence.

Engrossed resolutions requiring the secretary of the Senate and clerk of the House of Representatives to make a complete index of the journals of the General Assembly were read the third time and passed. Ordered, that the title be as aforesaid, and that the same be sent to the House of Representatives for their concurrence.

Engrossed resolutions defining more particularly the boundary lines of certain counties therein mentioned, and for other purposes; were read the third time and passed. Ordered, that the title be as aforesaid, and that the same be sent to the House of Representatives for their concurrence.

An engrossed bill, entitled 'an act appointing an agent to receive the three per cent fund,' was read the third time and passed. Ordered, that the title be as aforesaid, and that the same be sent to the House of Representatives for their concurrence.

Engrossed resolutions requesting the Governor to procure a correct map of this state; were read the third time and passed. Ordered, that the title be as aforesaid, and that the same be sent to the House of Representatives for their concurrence.

An engrossed bill, to be entitled 'an act to amend and repeal in part the several acts concerning roads, &c.' was read the third time, and on the question, Shall this bill pass? it was decided in the negative.

Yeas 9

Nays 9.

The yeas & nays being called for, those who voted in the affirmative, are,

| | | | | |
|----------|----------|---------|--------|---------|
| Mr. Bibb | Conner | Metcalf | Powell | Wood—9. |
| Casey | Deveraux | Murphy | Smith | |

Those who voted in the negative, are,

| | | | | |
|---------------|---------|----------|-------------|-------------|
| Mr. President | Crabb | M'Canry, | Moore | Sullivan—9. |
| Coats | Hopkins | M'Vay | Shackleford | |

An engrossed bill to be entitled 'an act to alter the mode of giving bond and security, and taking the oath of office by the agents of the sixteenth sections,' was read the third time and passed.

Ordered that the title be 'an act, &c.' and that the same be sent to the House of Representatives for their concurrence.

Mr. Moore, from the committee on enrolled bills, reported as correctly enrolled,

'An act to establish a turnpike road leading from Lawrence county, to intersect the military road at Pikesville, in Marion county;'

'A memorial to the Congress of the United States,' and

'An act granting to John Fowler the right of running a Steam Ferry-boat, and a row-boat or sail-boat, between the city of Mobile and the town of Blakeley,' which were signed by Mr. President.

An engrossed bill, to be entitled 'an act to provide for drawing petit jurors to serve in the circuit courts of the county of Dallas,' was read the third time and passed.

Ordered, that the title be an act &c. and that the same be sent to the House of Representatives for their concurrence.

On motion the Senate adjourned until 3 o'clock P. M.

3 o'clock P. M.

The Senate met pursuant to adjournment.

Mr. Powell from the committee on accounts reported a bill to be entitled 'an act making appropriations for the payment of certain claims against the state,' which was read the first time, and ordered to be read the second time on to-morrow.

Mr. Murphy presented the claim of Waitman Gullett, against the state which was referred to the committee of accounts.

Mr. Hopkins presented a communication from Harry Toulmin, esq. upon the subject of the digest, which was read, and ordered to be laid upon the table.

A message from the House of Representatives by Mr. Dodson.

Mr. President-

I am instructed by the House of Representatives to inform your honorable body that they have read a third time and passed a bill originating in their house of the following title.

An act, to amend the several acts in relation to the establishment of a bank of the State of Alabama, and to repeal such parts of said acts as are repugnant to the provisions of this act: in which they desire your concurrence.

They have also reconsidered the vote of their house on concurring with the amendments made by your honorable body to the revenue bill, and have concurred in all the said amendments.

They disagree to the amendments made by your honorable body to the bill entitled an act for the emancipation of slaves.

They concur in the amendments of your honorable body to the bill, entitled an act to appoint commissioners to lay out a road therein specified.

A bill from the House of Representatives entitled an act to amend the several acts in relation to the establishment of the Bank of the State of Alabama, and to repeal such parts of said acts as are repugnant to the provisions of this act, was read the first time. The rule which requires all bills to be read on three several days being dispensed with said bill was read the second time forthwith, and ordered to be committed to a committee of the whole on to-morrow.

On motion, the Senate adjourned until to-morrow morning 9 o'clock.

Friday, Dec. 27, 1822.

The Senate met pursuant to adjournment.

Mr. M'Vay moved that Mr. Bibb have leave of absence from the Senate after to-day, during the remainder of the session; which was lost.

Ordered, that the Senate insist upon their amendments to the bill, entitled an act to provide for the emancipation of slaves, and that the house be informed thereof.

Mr. Shackelford offered the following resolution: Resolved by the Senate with the concurrence of the House of Representatives, that a joint committee be appointed to report what business before the two houses is necessary and indispensable to be acted on at the present session of the General Assembly.

The Senate according to order resolved itself into a committee of the whole on the bill, entitled 'an act to amend the several acts in relation to

the establishment of the bank of the state of Alabama, and to repeal such parts of said acts as are repugnant to the provisions of this act."—Mr. Bibb in the chair; and after some time spent therein the committee rose and Mr. Bibb reported that the committee had according to order had said bill under consideration, but not having time to go through with the same, had instructed him to report progress and ask leave to sit again; which was granted.

A message from the House of Representatives by Mr. Dodson their clerk: Mr. President, I am instructed to inform your honorable body that the House of Representatives have read the third time and passed, a bill, entitled "an act amendatory to the laws now in force concerning strays," and have added thereto two additional sections, in which they desire your concurrence. They have also read the third time and passed, bills, originating in your House of the following titles, to wit: An act to refund James Mixon a sum of money improperly assessed and collected; An act to authorize the Judge of the county court of Mobile to take possession of the Spanish records; An act to amend the act passed Dec. 17, 1821, entitled an act to appoint commissioners to lay out certain roads therein specified, and for other purposes: An act to amend an act entitled an act appointing commissioners to lay out a road on or near the dividing line between the counties of Madison and Limestone, passed at Cahawba the 20th Nov. 1820: An act authorizing the judge of the county court of Mobile county to appoint a public weigher in the city of Mobile, and have amended the same by adding after the word 'appoint' in the first section, the words 'one or more not exceeding two,' in which amendments your concurrence is desired.

An act to appoint commissioners to lay out two roads leading from the ford of Land creek—the one to Coffeeville, the other to Tuskafoosa, and have amended said bill by striking out of the first section the words 'James Bell, Barney Johnson, Matthew Jones, John Kelly and John Gayle,' and insert in lieu thereof 'Edmund Lane, James S. Gaines and John Davis,' and have further amended the same by adding a section thereto, in which they desire your concurrence.

They have also read a third time and passed bills originating in their house, of the following titles, to wit:

An act to repeal all laws requiring hands to work on navigable streams in this state; An act relative to turnpike roads;

An act to set apart a separate fund for the support of the poor in each county;

An act to incorporate Jefferson Academy in the town of Elyton, and for other purposes;

An act authorizing John R. B. Eldridge to sell certain slaves therein designated;

An act for dividing the state into districts for the purpose of electing electors of President and Vice-President of the United States;

An act concerning writs of error coram vobis;

An act supplementary to an act to establish the permanent seat of justice in the county of Shelby, and for other purposes;

An act to establish a certain road therein named;

An act to authorize the Judges of the county courts and commissioners of roads and revenue within this state to make allowance therein named;

An act to alter the boundaries of Perry county;

An act to repeal an act entitled an act incorporating the town

of Jackson in Clarke county; and a Resolution authorizing commissioners to establish a road leading from the city of Mobile to the line of the state of Mississippi—in all of which they desire your concurrence.

Mr. Moore, from the committee on enrolled bills, reported as correctly enrolled

An act to appoint commissioners to lay out a certain road therein specified;

An act to extend the boundaries of Wilcox county;

An act to provide for paying for the public buildings of Lawrence county;

An act to authorize administrators to sell lands belonging to the estate of their intestate, to which a complete title has not been obtained;

An act to authorize the Judge of the county court and commissioners of the roads and revenue of Butler county to levy a tax, and for other purposes therein mentioned; which were signed by Mr. President.

On motion the Senate adjourned till 3 o'clock, P. M.

3 o'clock P. M.

The Senate met pursuant to adjournment.)

Ordered, that the Senate concur in the amendments made by the House of Representatives, to the bill entitled 'an act to appoint commissioners to lay out two roads leading from the ford of Line creek, the one to Coffeeville, and the other to Tuscaloosa;' and to the bill entitled 'an act authorizing the Judge of the county court of Mobile county to appoint a public weigher in the city of Mobile, and that the house be informed thereof.

Ordered, that the bill entitled 'an act amendatory to the laws now in force concerning strays, together with the amendments made thereto by the House of Representatives, be laid upon the table.

A message from the House of Representatives, by Mr. Dodson.

Mr. President,

I am instructed by the House of Representatives to inform your honorable body that they have adopted the following resolution. Resolved by the Senate and House of Representatives of the State of Alabama in General Assembly convened, that the State Printer, be instructed to furnish each member with forty of the captions of the acts and resolutions of the General Assembly, and the Secretary be instructed to furnish a copy of the same, in which they desire your concurrence.

They have also read a third time and passed bills, and resolutions originating in your house of the following titles, to wit:

Resolutions to repeal 'a resolution allowing to the comptroller two hundred and fifty dollars in addition to his present salary,' passed at the last session of the General Assembly.

An act to repeal all acts or parts of acts now in force in this state requiring an oath to be taken on receiving a licence to retail spiritous liquors and have amended the same by adding a section thereto: and have further amended it by adding to the title of said bill the following words, 'and to require a new oath,' in which they desire your concurrence.

They have also read a third time and passed a bill originating in your house, entitled 'an act for the relief of certain tax collectors therein named.

They have also read a third time and passed a bill originating in their house, entitled 'an act regulating appeals in criminal cases; in which your concurrence is desired.

They have also read a third time and passed a bill originating in your house, entitled

'An act for the regulation of assessors and tax collectors so far as relates to the payment of money, and

'An act to divide the State into districts for electing representatives to congress, and have amended the same by striking out therefrom in the first section, the word 'Autauga,' and inserting in lieu thereof the word 'Marengo,' and by striking out of the first section the word 'Marengo,' and inserting in lieu thereof the word 'Autauga,' in which they desire your concurrence.

Mr. Casey moved, that the senate concur in the amendments made by the House of Representatives to the bill, entitled 'an act to repeal all acts or parts of acts, now in force in this state requiring an oath to be taken on receiving a licence to retail spiritous liquors, by requiring a new oath to be taken, which was lost.

Yeas 8

Nays 11

The yeas & nays being called for, those who voted in the affirmative, are,

| | | | |
|-----------|---------|--------|-----------|
| Mr. Casey | M'Vay | Murphy | Sullivan, |
| Devereux | Metcalf | Smith | Wood—8 |

Those who voted in the negative, are,

| | | | |
|---------------|--------|----------|----------------|
| Mr. President | Coats | Hopkins, | Powell |
| Armstrong | Conner | McCamy | Shackleford—11 |
| Bibb | Crabb | Moore | |

Ordered, that the senate concur in the amendments made by the house of representatives to the bill, entitled 'an act to divide the state into districts for electing Representatives to Congress, and that the house of representatives be informed thereof.

A message from the House of Representatives by Mr. Clay, Mr. President,

I am instructed to inform your honorable body, that the House of Representatives have read a third time and passed, a bill, entitled

'An act for the relief of the tax collector of Lawrence county for the year 1821—in which they desire your concurrence.

They have also read a third time and passed a bill originating in your house, entitled

'An act to incorporate the town of Jonesborough in the county of Jefferson.

Mr. Moore from the committee on enrolled bills, reported as correctly enrolled.

'An act to authorize Nicholas Pope to emancipate a certain slave therein named.'

'An act to enforce the payment of monies collected by officers of courts;'

'An act to prescribe the mode of certifying execution from justices of the peace from one county to another;'

'An act providing for the election of sheriff in certain cases, and for other purposes;'

'An act to authorize fathers to devise the custody and tuition of their infant children;'

'Resolutions, extending time to John Fowler and his associates to open and finish a road therein named; and

'A Resolution for the relief of Anderson Crenshaw; which were signed by Mr. President.

A bill from the house of Representatives entitled 'An act regulating appeals in criminal cases, was read the first time, the rule which requires all bills to be read on three several days being dispensed with, said bill was read the second time forthwith and ordered to be laid upon the table.

Mr. Moore, from the committee on enrolled bills, reported as correct-ly enrolled, 'An act to raise a revenue for the support of government un-otherwise directed by law,' which was signed by Mr. President.

A bill from the house of representatives entitled 'An act for the relief of the Tax collector of Lawrence county for the year, 1821,' was read the first time, the rule which requires all bills to be read on three several days being dispensed with, said bill was read the second and third time forthwith and passed. *Ordered*, that the house of representatives be in-formed thereof.

Mr. Crabb from the select committee to whom was referred the bill entitled 'An act authorizing Elisha Thomas and Davis Garley and their associates to turnpike a road therein designated,' reported the same as amended, which was concurred in.

Mr. M'Vay offered the following amendment to said bill: 'Provided all persons travelling said road on foot shall at all times pass said road and turnpike free of toll,' which was adopted. The bill was then read the third time as amended and passed, Yeas 10—Nays 5.

The yeas & nays being called for, those who voted in the affirmative, are,

| | | | | |
|-----------|--------|----------|----------|----------|
| Mr. Casey | Conner | Devereux | M'Camp, | Sullivan |
| Coats | Crabb | Hopkins | Metcalfe | Wood—10. |

Those who voted in the negative, are,

| | | | | |
|---------------|------|-------|-------|-----------|
| Mr. Armstrong | Bibb | M'Vay | Moore | Powell—5. |
|---------------|------|-------|-------|-----------|

Ordered, that the house of representatives be informed thereof.

A message from the house of representatives by Mr. Dodson,

Mr. President, I am instructed by the house of representatives, to in-form your honorable body that they have read a third time and passed,

'An act concerning the Huntsville Masonic Lottery;'

'Memorial to the Congress of the United States on the subject of the fortifications at Mobile Point and Dauphin Island;'

'An act changing the name of Big-spring in Franklin county;'

'An act relative to the securities of clerks, sheriffs and other officers;'

'An act to authorize a change of venue in chancery causes;,' all of which originated in your house.

They insist on their amendments to an act to repeal all acts or parts of acts now in force in this state requiring an oath to be taken on receiving a licence to retail spiritous liquors. *Ordered*, that the senate insist upon their disagreement to the amendments made by the house of representa-tives to said bill, and that the house be informed thereof.

Ordered, that the resolution from the house of representative requiring the State Printer to furnish each member of the General Assembly with forty copies of the captions of the acts and resolutions of the present ses-sion, be laid upon the table.

Mr. Armstrong from the military committee to whom was referred the bill entitled 'an act to revise, consolidate and amend the several acts rela-tive to the militia,' reported the same as amended, which was concurred in.

Ordered, that said bill be read the third time on tomorrow.

Mr. Bibb moved, that the further consideration of the bill, entitled 'an act in relation to the establishment of the Bank of the state of Alabama, and to repeal such parts of said acts as are repugnant to the provisions of this act,' be postponed until the first day of next session of the General Assembly, which was decided in the affirmative—Yeas 10—Nays 9.

The yeas & nays being called for, those who voted in the affirmative, are,

| | | | | |
|----------|----------|----------|--------|----------|
| Mr. Bibb | Coats | M'Vay | Murphy | Sullivan |
| Casey. | Devereux | Metcalfe | Smith | Wood—10. |

Those who voted in the negative, are,

Mr. President
Armstrong

Conner
Crabb

Hopkins
M'Camy

Moore
Powell

Shackleford—3

On motion, the senate adjourned till to-morrow morning at 9 o'clock.
Saturday, Dec. 28th, 1822.

The senate met pursuant to adjournment.

A bill from the house of representatives, entitled 'an act to alter the boundaries of Perry county,' was read the first time, the rule which requires all bills to be read on three several days being dispensed with, said bill was read the second and third time forthwith and passed.

Ordered, that the house of representatives be informed thereof.

A bill from the house of representatives, entitled 'an act authorizing John R. B. Eldridge to sell certain slaves therein designated,' was read the first time, the rule which requires all bills to be read on three several days was dispensed with, said bill was read the second and third time and passed. Ordered, that the house of representatives be informed thereof.

A bill from the house of representatives, entitled 'An act to establish a certain road therein named,' was read the first time, the rule which requires all bills to be read on three several days was dispensed with, and said bill was read the second time. Mr. Powell moved to amend said bill by striking out the proviso at the end thereof, and inserting the following additional section: 'Be it further enacted, that the aforesaid road shall be laid out sixty-six feet wide, from the place of beginning, until it passes through the seminary land; after which it shall be of the same width and otherwise, as other public roads;' which was decided in the affirmative.

The rule which requires all bills to be read on three several days was further dispensed with, and said bill was read the third time as amended and passed. Ordered, that the secretary inform the House of Representatives thereof & desire their concurrence in the amendments made thereto.

A bill from the House of Representatives, entitled 'an act to repeal all laws requiring hands to work on navigable streams in this state, was read the first time and ordered to be read the second time on Monday next.

A bill from the House of Representatives, entitled 'an act dividing the state into electoral districts for the purpose of electing electors of President and Vice President of the United States, was read the first time and ordered to be laid upon the table till next session.

A bill from the House of Representatives entitled an act to incorporate the Jefferson Academy in the town of Elyton was read the first time, the rule which requires all bills to be read on three several days was dispensed with, and said bill was read the second time and amended.

The rule was further dispensed with, and the bill was read the third time and passed.

Ordered, that the House of Representatives be informed thereof.

A bill from the House of Representatives entitled 'an act to authorize the judges of the county courts and commissioners of roads and revenue within this state to make allowance therein named, was read the first time; the rule which requires all bills to be read on three several days being dispensed with, said bill was read the second and third time and passed.

Ordered, that the house be informed thereof.

The bill, entitled 'an act concerning the printing, binding and disposal of the digest of the statute laws of the state of Alabama, was taken up.

Mr. Casey moved to fill the blank in the first section of said bill where makes an appropriation to the digester, with 'seventeen hundred and fifty dollars,' which was lost—Yeas 7—Nays 10:

The yeas & nays being called for, those who voted in the affirmative, are

| | | | |
|-----------|----------|-------------|-------------|
| Mr. Casey | Devereux | Shackleford | Sullivan—7. |
| Coats | Murphy | Smith | |

Those who voted in the negative, are,

| | | | |
|---------------|---------|---------|----------|
| Mr. President | Crabb | M'Vay | Powell |
| Bibb | Hopkins | Metcalf | Wood—11. |
| Conner | M'Camy | Moore | |

Mr. Casey moved to fill said blank with 'one thousand five hundred dollars' which was decided in the affirmative.

Yeas 11

Nays 7

The yeas & nays being called for, those who voted in the affirmative are

| | | | |
|----------|----------|-------------|-------------|
| Mr. Bibb | Coats | Moore | Smith |
| Casey | Devereux | Murphy | Sullivan—11 |
| Crabb | M'Camy | Shackleford | |

Those who voted in the negative, are,

| | | | |
|---------------|---------|---------|--------|
| Mr. President | Hopkins | Metcalf | Wood—7 |
| Conner | M'Vay | Powell | |

The bill was then passed.

Ordered, that the words 'a bill to be entitled' be stricken out of the caption, and that the same be sent to the House of Representatives for their concurrence.

On motion of Mr. Shackleford. Ordered, that the communication of Harry Toulmin, esq. upon the subject of digesting the laws, be spread upon the journal:—which is as follows:

To the General Assembly,

The undersigned having some reason to believe, that a difficulty exists as to the compensation he ought to have for digesting the laws of the state of Alabama, begs leave to make the following observations.

1. In the year 1806 he was employed to digest the statutes then existing—which were those of six or seven sessions only.

For that work he received twelve hundred dollars:—that digest contained four hundred and twenty six pages. The digest now prepared and laid before the assembly would, if printed on a similar page, and with the same type, occupy sixteen hundred pages—and were the compensation allowed for it in proportion to the compensation in 1807, it would amount to upwards of four thousand five hundred dollars.

But in addition to this, it is but merely just to remark, that the digest of 1807, was composed of entire acts—whereas the digest now submitted, is arranged under distinct heads, or titles, and care has been taken not only to arrange the acts themselves, under the titles to which they belong, but to divide those very acts, where they relate as they often do, to several subjects, and to place the several sections under their proper titles.

2. The undersigned has known, from long experience, what the labour and the expenses of attending seven circuit courts twice a year and discharging the duties not only of a Territorial but of a Federal Judge, he can say with confidence, that neither the mental exertion, nor the personal expence, (even including clerk hire) has been equal to that of preparing the digest now submitted to the Legislature.

It was necessary that the compiler for the purpose of making a contract with the General Assembly, should attend here two weeks at the last session. He has been obliged to attend at the present session about four weeks, in order to facilitate an examination of the digest. He conceives

therefore, that his travelling expenses (having been obliged to bring a waggon for the purpose of conveying the digest and the original acts of the Legislature, on which the digest is founded) together with six weeks attendance, can not be estimated at less than two hundred and sixty four dollars.

His clerk hire and paper have cost about two hundred and fifty dollars. His labour for one year taking that of a circuit judge as a criterion is worth seventeen hundred and fifty dollars (total twenty-two hundred and sixty-four dollars.)

3. The compiler of the digest now in use had before him the digest of 1807, and of nine subsequent sessions some of which were very short.—An appropriation was made to him of \$1000 in 1806 before the work was completed. The State of Alabama was severed from the Mississippi at the same time. What appropriations were made afterwards is not known. The present digest will contain the acts of sixteen sessions, besides those of the digest of 1807.

If it be supposed therefore that Mr. Turner received no more than \$1000 for the chaos he created, it will surely be a subject of very rational investion, what sum, when a man has been paid \$1000, for mangling & murdering the laws, ought to be paid to any one who has brought them to life again.

The acts of seven sessions are also incorporated with those exhibited in Turner's digest. The undersigned has endeavored not only to gratify, but to be useful to the publick.

He cannot receive for his services a less sum than about \$2000. If the General Assembly do not deem his services worthy of that compensation, he prays permission to withdraw his manuscript.

He has labored incessantly, and what he solicits is not from the generosity, but the justice of the General Assembly.

Dec. 25, 1822.

(Signed) HARRY TOULMIN.

A bill from the House of Representatives, entitled 'an act supplementary to an act to establish the permanent seat of justice in the county of Shelby and for other purposes,' was read the first time. The rule which requires all bills to be read on three several days was dispensed with, and said bill was read the second and third time and passed. *Ordered*, that the House of Representatives be informed thereof.

A bill from the House of Representatives, entitled 'an act to define and make plain the western boundary line of Blount county,' was taken up. The question was put, shall this bill pass? and decided in the affirmative. Yeas 11—Nays 4.

The yeas & nays being called for, those who voted in the affirmative, are,

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|---------------|--------|----------|----------------------|----------------|
| Mr. President | Conner | Devereux | M ^r Catny | Moore |
| Armstrong | Crabb | Hupkins | Metcall, | Shackleford—11 |
| Bibb | | | | |

Those who voted in the negative, are,

| | | | |
|-----------|--------------------|----------|---------|
| Mr. Coats | M ^r Vay | Sullivan | Wood—4. |
|-----------|--------------------|----------|---------|

Ordered, That the House of Representatives be informed of the passage thereof.

The bill to be entitled 'an act to establish a public road from Ditto's landing to Marston Mead's in Blount county,' was taken up.

Mr. Crabb offered the following amendment to said bill: 'Provided, that nothing in this act shall be so construed as to authorize the said Tobias Dearick, George D. Staton, and their associates, to erect a turnpike gate or gates on said road until the same shall be cut out from fifteen to

twenty feet wide, and all banks of creeks and hills put in such order, that loaded wagons can pass with convenience.'

Mr. M'Vay moved to amend said amendments by the following: 'Provided also, that the General Assembly may at any time repeal this act when expediency, & the public good may require it;' which was rejected.

Mr. Casey moved to amend said amendment, by inserting the following after the word 'wide,' 'twelve feet of which shall be grubbed,' which was adopted.

The question was then put on the adoption of the amendment offered by Mr. Crabb, and decided in the affirmative.

Mr. Moore offered the following amendment to said bill: 'Provided, that the privileges herein granted shall not be construed to effect the right of the General Assembly to establish and lay out a state road leading from some point on the Tennessee river, to the head of Jones' Valley in Jefferson county, should the same come in contact with the road herein granted;' which was rejected. Yeas 8—Nays 11.

The yeas & nays being called for, those who voted in the affirmative, are,

| | | | |
|-----------|---------|--------|----------|
| Mr. Coats | Metcalf | Murphy | Sullivan |
| M'Vay | Moore | Powell | Wood—8. |

Those who voted in the negative are,

| | | | | |
|---------------|--------|----------|---------|-------------|
| Mr. President | Casey | Crabb | Hopkins | Shackleford |
| Armstrong | Conner | Devereux | M'Camy | Smith—11. |
| Bibb | | | | |

Mr. M'Vay offered the following amendment to said bill: 'Provided, that it shall and may be lawful for the General Assembly at any time to alter, increase or diminish the rates of toll authorized by this act be received for travelling said turnpike road,' which was rejected,

Yeas 6—Nays 13.

The yeas & nays being called for, those who voted in the affirmative, are,

| | | | | | |
|----------|-------|-------|--------|----------|---------|
| Mr Coats | M'Vay | Moore | Powell | Sullivan | Wood—6. |
|----------|-------|-------|--------|----------|---------|

Those who voted in the negative, are,

| | | | | |
|----------------|---------|----------|-------------|-----------|
| Mr. President, | Casey | Devereux | Metcalf | Smith—13. |
| Armstrong | Conner, | Hopkins | Murphy | |
| Bibb | Crabb | M'Camy | Shackleford | |

Mr. Casey moved to strike out 'one dollar' in the 3d section of said bill and insert 'seventy five cents,' to strike out 'fifty' and insert 'thirty-seven and a half,' to strike out 'twenty-five' and insert 'twelve and a half,' and to strike out 'twelve and a half' and insert 'six and one fourth,' which was decided in the affirmative. On motion of Mr. Powell, Ordered, that the words 'fifteen years' be stricken out the last section of said bill. On motion of Mr. Crabb, Ordered, that the words 'twelve years' be inserted in the place of those stricken out.

On motion of Mr. Crabb, ordered, that the name of William Bradley be inserted after the name of Tobias Dearick.

Mr. Coats offered the following amendment to said bill, 'Provided, also that nothing in this act shall be so construed as to authorize Tobias Dearick and his associates to run said road through any part of the Cherokee lands, without first obtaining permission from the Cherokee nation,' which was adopted. The bill was then read a third time as amended and passed—Yeas 14—Nays 5.

The yeas & nays being called for, those who voted in the affirmative, are,

| | | | | |
|---------------|--------|----------|---------|-------------|
| Mr. President | Casey | Crabb | M'Camy | Shackleford |
| Armstrong | Coats | Devereux | Metcalf | Smith—14. |
| Bibb | Conner | Hopkins | Murphy | |

Those who voted in the negative are,

| | | | | |
|-----------|-------|--------|----------|---------|
| Mr. M'Vay | Moore | Powell | Sullivan | Wood—5. |
|-----------|-------|--------|----------|---------|

Ordered, that the house of representatives be informed thereof.

A message from the house of representatives by Mr. Dodson.

Mr. President, I am instructed by the house of Representatives to inform your honorable body that they have read a third time and passed bills of the following titles, to wit :

'An act for the relief of the tax collector of the county of Mobile;'

'An act to carry into effect the laws of the United States prohibiting the slave trade;'

'An act to fix the salary of the Treasurer of the Trustees of the University of the state of Alabama;'

'An act to authorize the Treasurer of this state to receive a sum of money therein mentioned;'

'An act to appoint commissioners for the superintendence of the public buildings in the counties of Franklin and Lawrence;'

'An act to amend an act to authorize the Catholic congregation of christians in the city of Mobile to sell real estate therein mentioned, and for other purposes, passed 27th Nov. 1821;'

'An act divorcing certain persons therein named;'

'An act to authorize a levy of a county tax in St. Clair county;'

'An act for the preservation of the several court houses within this state;'

'A memorial to Congress in relation to the public lands;'

In all of which they desire your concurrence. They have also read a third time and passed a bill originating in your house, entitled

'An act the better to designate the line between the counties of Jackson and Decatur;' and have amended the same by adding three additional sections thereto: in which they desire your concurrence.

On motion the senate adjourned 'till 3 o'clock P. M.

3 o'clock. P. M.

The Senate met pursuant to adjournment.

Mr. Powell, from the committee of accounts, made the following report:

'The committee of accounts, to whom was referred the account of Waitman Gullett, have had the same under consideration, and after having given the same that mature examination which claims involving the rights of individuals should never fail to obtain, are of the opinion, that the same ought not to be granted; it being as is conceived, a county charge: because the law requires each county in this state to erect secure jails for the safe keeping of prisoners; and if that should not be done your committee are of the opinion that the counties respectively are bound to pay all incidental expences attending their removal to the nearest safe jail: (Signed) LEVIN POWELL, Chairman.

Which said report was concurred in.

Ordered, that the senate concur in the amendments made by the House of Representatives to the bill entitled 'an act the better to designate the line between the counties of Jackson and Decatur and that the House of Representatives be informed thereof.

A bill to be entitled 'an act to make appropriations for the payment of certain claims against the state,' was read the second time, and *Ordered* to be engrossed for a third reading on Monday next.

On motion of Mr. Casey, the memorial to the Congress of the United States to procure further relief to purchasers of publick lands in this state was taken up.

The memorial was read the third time and ordered to be committed to a special committee, consisting of, Messrs. Casey, Moore and Murphy.

An engrossed resolution for the relief of Matthew D. Thomason, was read the third time and passed.

Ordered, that the title be as aforesaid and that the same be sent to the House of Representatives for their concurrence.

A message from the house of representatives, by Mr. Dodson, their clerk, Mr. President, I am instructed by the house of representatives to inform your honorable body that they have read three times and passed, bills and resolutions originating in your house, of the following titles, to wit:

Resolutions instructing our Senators and requesting our Representative in Congress to procure the passage of a law imposing a tonnage duty on all vessels coming into the Port of Mobile, which they have amended, 'An act appointing an agent to receive the three per cent. fund.' They have also, read a third time and passed bills, originating in their house of the following titles, to wit:

'An act to regulate proceedings in chancery suits.'
'An act to provide for leasing the 16th sections, and for the application of the fund arising therefrom to the purposes of education.'
'An act to authorize the Judge of the county court of Mobile county, to purchase a lot of ground for the purpose of erecting thereon, the public buildings of said county.'
'An act for the relief of purchasers of lots in Cabawba;' in all of which they desire your concurrence.

They had read a third time and passed, a bill originating in your body, entitled

'An act to repeal in part an act passed the 15th Dec. 1821, concerning Col. Samuel Dale;' and have amended the same by striking out all the enacting clause, and substituting the accompanying bill; in which amendment, they desire your concurrence.

Ordered, that the vote of the Senate, ordering to a third reading the bill, entitled 'An act to revise, consolidate, and amend the several acts relative to the militia of this state,' be reconsidered.

Mr. Casey, moved to strike out the word 'four,' in said bill, where it provides for four company musters per annum;' which was lost.

Yeas 5—Nays 14.

The yeas and nays being called for, those who voted in the affirmative, are,

| | | | | |
|---------------------------------------|--------|---------|-------------|------------|
| Mr. President | Bibb | Casey | Devereux | Hopkins—5. |
| Those who voted in the negative, are, | | | | |
| Mr. Armstrong | Crabb | Metcalf | Powell | Sullivan |
| Coats | M'Camy | Moore | Shackleford | Wood—14. |
| Conner | M'Vay | Murphy | Smith | |

Mr. Conner moved to strike out the words 'death or other' in the 33d section of said bill, where it provides that, in a non commissioned officer, or private being drafted, and refusing to repair to the place of rendezvous when ordered so to do, shall suffer death, or such other punishment &c. which was lost—Yeas 7—Nays 12.

The yeas and nays being called for, those who voted in the affirmative, are,

| | | | |
|---------------------------------------|----------|---------|-------------|
| Mr. Bibb | Conner | Metcalf | Wood—7 |
| Coats | M'Camy | M'Vay | |
| Those who voted in the negative, are, | | | |
| Mr. President | Crabb | Moore | Shackleford |
| Armstrong | Devereux | Murphy | Smith |
| Casey | Hopkins | Powell | Sullivan—12 |

Mr. Armstrong moved to strike out that part of said bill, which exempts officers from Militia duty, after having served seven years, except in case of invasion or insurrection; which was decided in the affirmative.

Yeas 15

Nays 4

The yeas & nays being called for, those who voted in the affirmative, are,

| | | | | |
|---------------|--------|----------|--------|-----------------|
| Jr. President | Casey | Crabb | M'Camy | Murphy |
| Armstrong | Coats | Devereux | M'Vay | Powell |
| Bibb | Conner | Hopkins | Moore | Shackelford-15. |

Those who voted in the negative, are,

| | | | |
|-------------|-------|----------|---------|
| Mr. Metcalf | Smith | Sullivan | Wood—4. |
|-------------|-------|----------|---------|

Mr. Smith offered the following amendment to said bill, 'And be it further enacted, That the boundary lines of no captain's beat shall hereafter be altered, but with the consent of a Regimental Court Martial,' which was adopted.

Mr. McVay offered the following amendment to said bill, 'Provided, that nothing in this act shall be so construed as to authorize a Court Martial to levy a fine on any person who attends muster without a gun if such person will make oath that he has no gun.'

Mr. Moore moved to amend said amendment by the following 'and that he is unable to purchase a gun without injury to himself or family,' which was adopted.

The question was then put on the adoption of the amendment offered by Mr. M'Vay, and decided in the affirmative.

Mr. Wood offered two additional sections as an amendment to said bill which were adopted. Ordered, that said bill be laid upon the table.

A Message from the House of Representatives by Mr. Dodson, Jr. President,

I am instructed by the House of Representatives to inform your honorable body that they have read three times and passed bills originating in their house, entitled,

'An act concerning the printing, binding and disposal of the Digest of the statute laws of the state of Alabama:'

'An act to legalize the election of certain officers in Decatur county:'

'An act for the relief of Sarah Strother, administratrix of George H. Strother, deceased;' in all of which they desire your concurrence.

They insist on their disagreement to the amendments made by your honorable body to the bill, entitled

'An act to provide for the emancipation of slaves.'

They concur in the amendments of your honorable body to the bills of the following titles, to wit: 'An act for the relief of the tax collector of Lawrence county for the year 1821;' and

'An act authorizing Elisha Thomas and Davis Gurley and their associates to turnpike a certain road therein designated.'

They have also read a third time and passed a bill originating in their house, entitled 'an act further to regulating proceedings in suits at law;' in which they desire your concurrence.

They have also read a third time and passed bills and resolutions, originating in your house of the following titles, to wit:

Resolution for the relief of John A. Elmore.

'An act to provide for the payment of the compensation allowed by law, to the commissioners appointed to lease the lands belonging the University of Alabama;' Resolution requesting the Governor to procure a correct map of this State.' They have read three times and passed a bill originating in their house, entitled

'An act to provide for the election of justices of the peace & constables;' in which they desire your concurrence.

They have concurred in the amendments made by your honorable body, to bills of the following titles, to wit:

'An act to establish a certain road therein named;'

An act to incorporate the Jefferson Academy in the town of Elyton, for other purposes; and

An act to establish a public road from Ditto's landing to Marston Mead's Blount county;

Mr. Bibb moved to reconsider the vote of the Senate on the question postpone till the next session of the General Assembly, the bill, entitled 'an act to amend the several acts in relation to the establishment of a Bank of the State of Alabama, and to repeal such parts of said acts are repugnant to the provisions of this act;' which was decided in the affirmative—Yeas 10—Nays 9.

The yeas & nays being called for, those who voted in the affirmative, are,

| | | | | |
|-----------|--------|---------|---------|----------------|
| President | Bibb | Crabb | M'Camy, | Powell |
| Armstrong | Conner | Hopkins | Moore | Shackleford—10 |

Those who voted in the negative, are,

| | | | | |
|-------|----------|---------|----------|---------|
| Casey | Devereux | Metcalf | Smith | Wood—9. |
| Coats | M'Vay | Murphy | Sullivan | |

On motion, the Senate adjourned till Monday morning 9 o'clock.

Monday, Dec. 31, 1822.

The Senate met pursuant to adjournment.

On motion of Mr. Wood, the bill, entitled 'an act to revise, consolidate, and amend the several acts relative to the Militia of this state,' was taken up.

Mr. Wood moved to fill the blank in the 41st section of said bill where relates to volunteer companies with the word 'fifty;' which was lost.

Yeas 6

Nays 12.

The yeas and nays being called for, those who voted in the affirmative, are,

| | | | | | |
|-----------|-------|--------|--------|--------|---------|
| President | Casey | Conner | M'Camy | Murphy | Wood—6. |
|-----------|-------|--------|--------|--------|---------|

Those who voted in the negative, are,

| | | | | |
|-----------|----------|---------|--------|-------------|
| Armstrong | Crabb | M'Vay | Moore | Shackleford |
| Bibb | Devereux | Metcalf | Powell | Smith—12. |
| Coats | Hopkins | | | |

Mr. Coats moved to fill said blank with the word 'forty;' which was decided in the affirmative.

Mr. Bibb moved that the further consideration of said bill be indefinitely postponed, which was lost. Yeas 3—Nays 15.

The yeas & nays being called for, those who voted in the affirmative, are,

| | | |
|---------------|------|------------|
| Mr. President | Bibb | Hopkins—3. |
|---------------|------|------------|

Those who voted in the negative, are,

| | | | | |
|-----------|----------|---------|--------|-------------|
| Armstrong | Conner | M'Camy | Moore | Shackleford |
| Casey | Crabb | M'Vay | Murphy | Smith |
| Coats | Devereux | Metcalf | Powell | Wood—15. |

Mr. Armstrong moved to strike out that part of said bill which authorizes staff officers to vote in elections for Major and Brigadier Generals; and also to strike out the words 'Adjutant Generals of division and,' which was decided in the affirmative.

Mr. Casey offered the following proviso to the 56th section of said bill 'Provided, they shall receive no pay unless they make return of the strength of their brigades to the Adjutant General so as to enable him to make a return to the War Department of the strength of this state;' which was adopted.

Mr. Moore moved to strike out the words 'two hundred dollars,' the salary of the Adjutant General, and insert in lieu thereof, 'one hundred;' which was decided in the affirmative. Yeas 11—Nays 6.

The yeas & nays being called for, those who voted in the affirmative, are,

| | | | | |
|-----------|----------|--------|---------|-------------|
| President | Devereux | M'Camy | Metcalf | Powell |
| Armstrong | Hopkins | M'Vay | Moore | Shackleford |
| Conner | | | | |

Those who voted in the negative, are,

| | | | | |
|-----------|--------|-------|----------|---------|
| Mr. Casey | Murphy | Smith | Sullivan | Wood—3. |
| Coats | | | | |

Mr. Powell moved to strike out the word 'five' in the 56th section of said bill, and insert in lieu thereof, the word 'three,' which was decided in the affirmative.

Mr. Coats offered the following amendment to the 21st section of said bill: 'Provided, that the Quarter Master General shall receive no salary except he keep the public arms in good order, which are deposited in the state arsenal;' which was adopted. The bill was then read the third time as amended, and passed. Yeas 13—Nays 6.

The yeas & nays being called for, those who voted in the affirmative, are,

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|-----------|---------|--------|-------------|----------|
| Mr. Casey | McCamy | Moore | Shackleford | Wood—13. |
| Coats | McVay | Murphy | Smith | |
| Conner | Metzger | Powell | Sullivan | |

Those who voted in the negative, are,

| | | | | | |
|---------------|-----------|------|-------|----------|------------|
| Mr. President | Armstrong | Bibb | Crabb | Devereux | Hopkins—6. |
|---------------|-----------|------|-------|----------|------------|

Ordered, That the secretary inform the House of Representatives thereof, and desire their concurrence in the amendments made thereto.

A message from the House of Representatives, by Mr. Dodson, informing the Senate, that they had read a third time and passed.

'Resolutions concerning the loan from the Tombeckbe Bank,' which originated in the Senate.

The Senate according to order, resolved itself into a committee of the whole, on the bill to be entitled 'an act to amend the several acts in relation to the establishment of the Bank of the State of Alabama, and to repeal such parts of said act as are repugnant to the provisions of this act;' Mr. Armstrong in the chair; and after some time spent therein the committee rose, and Mr. Armstrong reported the same with sundry amendments; which were concurred in.

On motion the senate adjourned till 4 o'clock p. m.

4 o'clock, p. m.

The senate met pursuant to adjournment.

Mr. Moore, from the committee on enrolled bills, reported, as correctly enrolled,

'An act to incorporate Jefferson academy in the town of Elyton, and for other purposes;'

'An act to authorize the Judges of the county courts and commissioners of roads and revenue within this state to make an allowance therein named;'

'An act to define and make plain the western boundary line of Blount county;'

'An act for the relief of the tax collector of Lawrence county for the year 1821;'

'An act to alter the boundaries of Perry county;'

'An act authorizing John R. B. Eldridge to sell certain slaves therein designated;'

'An act to establish a certain road therein named;'

'An act supplementary to an act to establish the permanent seat of justice in the county of Shelby, and for other purposes;'

'An act concerning writs of error coram vobis;'

'An act authorizing Elisha Thomas and Davis Gurley and their associates to turnpike a certain road therein designated;'

'An act to establish a public road from Ditto's landing to Martin Mead's in Blount county;' which was signed by Mr. President.

A message from the house of representatives, by Mr. Dodson their clerk, Mr. President, the house of representatives have read three times a

passed, bills and a resolution, originating in your honorable body, entitled 'Resolutions defining more particularly the boundary lines of certain counties therein mentioned, and for other purposes:'

'An act in relation to the estate of James White:'

'An act to authorize the administrator of Davis H. Mayhew, deceased, to sell real estate:'

'An act authorizing George Cox, administrator of Benjamin Cox, deceased, to sell and transfer certain real estate:'

'An act to authorize the administrators of John Lucas, and the administrator of John Waugh, deceased, to sell real estate.'

They concur in the amendments made by your honorable body to the bill, entitled 'An act to revise, consolidate and amend the several acts relative to the militia of this state:'

They have also, read a third time and passed bills, originating in their house, of the following titles, to wit:

'An act authorizing the emancipation of a negro man named Martin:'

'An act more effectually to secure the public revenue:'

'An act authorizing the legal representative of R. H. Draughton to dispose of certain real estate therein named:'

'An act concerning the Council of the town of Belle Fontaine:'

'An act to extend the time of payment and to secure a certain sum of money due to this state from John M. Taylor:'

'An act making appropriations for the payment of certain claims against the state:'

'An act for the relief of Edmund Freeman late tax collector of Baldwin county; in all of which they desire your concurrence.

They have also read a third time and passed, a bill, entitled

'An act authorizing the administrator of John Turrentine, and the administrator and administratrix of William Lambkin, deceased, to sell certain lands therein designated; in which they desire your concurrence.

Mr. M'Vay offered the following resolution: *Resolved*, that with the concurrence of the house of representatives, the two houses will convene in the representative hall on Friday at 4 o'clock P. M. for the purpose of selecting a site for the location of the state University; and also for the female branches of said institution.

Mr. Casey moved, that the further consideration of said resolution be postponed until the first day of the next session of the General Assembly; which was decided in the affirmative—Yeas 10—Nays 8.

The yeas and nays being called for, those who voted in the affirmative are,

| | | | | |
|-----------|----------|---------|--------|----------|
| Mr. Casey | Conner | M'Camy | Murphy | Sullivan |
| Coats | Devereux | Metcalf | Smith | Wood—10. |

Those who voted in the negative, are,

| | | | |
|---------------|---------|-------|----------------|
| Mr. President | Crabb | M'Vay | Powell |
| Armstrong | Hopkins | Moore | Shackleford—8. |

Mr. Wood moved, that the further consideration of the bill, entitled 'an act to amend the several acts in relation to the establishment of the Bank of the State of Alabama, and to repeal such parts of said acts as are repugnant to the provisions of this act,' be postponed until the first day of the next session of the General Assembly; which was decided in the affirmative. Yeas 10—Nays 8.

The yeas & nays being called for, those who voted in the affirmative are,

| | | | | |
|-----------|----------|---------|--------|----------|
| Mr. Casey | Crabb | McCamy | Murphy | Sullivan |
| Coats | Devereux | Metcalf | Smith | Wood—10. |

Those who voted in the negative, are,

| | | | |
|---------------|---------|-------|----------------|
| Mr. President | Conner | M'Vay | Powell |
| Armstrong | Hopkins | Moore | Shackleford—8. |

Ordered that the senate concur in the amendments made by the house of representatives to the bill, entitled 'an act to repeal in part an act passed Dec. 15, 1821, concerning Col. Samuel Dale;' and to the resolutions instructing our senators, and requesting our representative in Congress to procure the passage of a law imposing a tonnage duty on all vessels coming into the port of Mobile: and that the house of representatives be informed thereof.

Ordered, that the senate adhere to their amendments to the bill, entitled 'An act for the emancipation of slaves;' and that the house of representatives be informed thereof.

Resolutions from the house of representatives, concerning purchasers of lots in the town of Cahawba, were read the first time: the rule which requires all bills and resolutions to be read on three several days being dispensed with, said resolutions were read the second time.

On motion of Mr. Moore, ordered, that the word 'May' be stricken out, and 'March' inserted in lieu thereof. The rule was further dispensed with, and said resolutions were read the third time and passed.

Ordered, that the house of representatives be informed thereof.

Resolution authorizing commissioners to establish a road leading from the city of Mobile to the line of the state of Mississippi, were read the first time.

The rule which requires all joint resolutions to be read on three several days being dispensed with, said resolutions were read the second and third time.

Mr. Coats offered the following amendments to said resolution, by way of rider, 'Provided, the said commissioners shall receive no pay from the State Treasury;' which was read three several times and adopted.

Said resolutions were further amended by way of rider, and passed.

Ordered, that the words 'for other purposes' be added to the title, and that the same be returned to the House of Representatives for their concurrence.

A bill from the House of Representatives, entitled 'an act to repeal an act entitled an act incorporating the town of Jackson;'

'An act relative to turnpike roads;'

'An act, to provide for the election of justices of the peace and constables;'

An act to set apart a separate fund for the support of the poor in each county;

'An act, to legalize the election of certain officers in Decatur county;'

'An act for the relief of Sarah Strother, administratrix of the estate of Geo. H. Strother, deceased;' were severally read the first time, the rule which requires all bills to be read on three several days being dispensed with, said bills were read the second and third time forthwith and passed.

Ordered, that the house of representatives be informed thereof.

A bill from the house of representatives, entitled 'an act further to regulate proceedings in suits at law,' was read the first time, the rule which requires all bills to be read on three several days was dispensed with, and said bill was read the second time, and laid upon the table.

'A Memorial from the House of Representatives, to the Congress of the United States, in relation to the public lands,' was read the first time the rule which requires all memorials to be read on three several days was dispensed with, and said memorial was read the second and third time and passed. Ordered, that the house of representatives be informed thereof.

A bill from the House of Representatives, entitled 'an act to fix the salary of the Treasurer of the Trustees of the University of the state of Alabama,' was read the first time and ordered to be read the second time on to-morrow.

A bill from the house of representatives, entitled 'an act concerning the printing, binding, & disposal of the digest of the statute laws of the state of Alabama,' was read the first time, & ordered to be laid upon the table.

A bill from the House of Representatives, entitled 'an act divorcing certain persons therein named,' was read the first time, the rule which requires all bills to be read on three several days was dispensed with, and said bill was read the second time, and referred to the committee on Divorce and Alimony.

A bill from the House of Representatives entitled 'an act for the preservation of court houses within this state;'

'An act authorizing a levy in St. Clair county, for the purpose of building a court house;'

'An act to amend an act, to authorize the Catholic congregation of Christians in the city of Mobile to sell real estate therein named, and for other purposes,' were severally read the first time.

The rule which requires all bills to be read on three several days was further dispensed with, and said bill was read the third time as amended & passed. *Ordered*, that the House of Representatives be informed thereof.

A bill from the House of Representatives entitled 'an act to appoint two commissioners for the superintendence of the public buildings in the counties of Franklin and Lawrence,' was read the first time; the rule which requires all bills to be read on three several days being dispensed with, said bill was read the second and third time and passed.

Ordered, that the word 'two' be stricken out of the caption, and that the House of Representatives be informed of the passage thereof.

Mr. Conner moved, the Senate adjourn till Monday morning at 9 o'clock; which was lost—Yeas 8—Nays 9.

The yeas & nays being called for, those who voted in the affirmative, are,

| | | | |
|---------------|----------|--------|-------------|
| Mr. Armstrong | Conner | M'Camy | Shackleford |
| Coats | Devereux | Powell | Sullivan—8. |

Those who voted in the negative, are,

| | | | | |
|---------------|---------|----------|--------|---------|
| Mr. President | Hopkins | Metcalf, | Murphy | Wood—9. |
| Crabb | M'Vay | Moore | Smith | |

Mr. Shackleford moved, that the Senate adjourn till 7 o'clock, this evening; which was lost. Yeas 5 Nays 12.

The yeas & nays being called for, those who voted in the affirmative, are,

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|---------------|---------|-------|--------|----------------|
| Mr. President | Hopkins | Moore | Murphy | Shackleford—6. |
|---------------|---------|-------|--------|----------------|

Those who voted in the negative, are,

| | | | | |
|---------------|--------|----------|---------|----------|
| Mr. Armstrong | Conner | Devereux | M'Vay | Sullivan |
| Coats | Crabb | M'Camy | Metcalf | Smith |
| | | | Powell | Wood—12. |

A bill from the house of representatives, entitled 'An act to authorize the treasurer of the state to receive a sum of money therein mentioned: was read the first time, the rule which requires all bills to be read on three several days being dispensed with, said bill was read the second and third time and passed.

Ordered, that the house of representatives be informed thereof.

A bill from the house of representatives entitled 'An act to carry into effect the laws of the United States prohibiting the slave trade,' was read the first time, and laid upon the table.

A bill from the house of Representatives entitled 'An act for there-

Relief of the tax collector of the county of Mobile,' was read the first time, and ordered to be read the second time on to-morrow.

A bill from the House of Representatives, entitled 'an act to authorize the Judge of the county court of Mobile, to purchase a lot of ground for the purpose of erecting thereon the public buildings of said county,' was read the first time: the rule which requires all bills to be read on three several days was dispensed with, and said bill was read the second and third time and passed.

Ordered. that the House of Representatives be informed thereof.

A bill from the House of Representatives, entitled 'an act to regulate proceedings in chancery suits,' was read the first time and ordered to be read a second time on to-morrow.

On motion, the senate adjourned till to-morrow morning at 9 o'clock.

Tuesday, Dec. 31, 1822.

The senate met pursuant to adjournment.

Mr. Sullivan, from the committee on Divorce and Alimony, to whom was referred the bill, entitled 'an act divorcing certain persons therein named, reported the same with an amendment; which was concurred in.

The bill was then read a third time and rejected. Yeas 10—Nays 7.

The yeas and nays being called for, those who voted in the affirmative, are,

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|---------------|-------|----------|--------|-------------|
| Mr. President | Comer | Devereux | McCany | Powell |
| Coats | Crabb | Hopkins | Moore | Sullivan—10 |

Those who voted in the negative, are,

| | | | |
|---------------|---------|-------------|--------|
| Mr. Armstrong | McVey | Murphy | Wood—7 |
| Casey | Metcalf | Shackleford | |

A message from the House of Representatives, by Mr. Dodson.

Mr. President,

I am instructed by the House of Representatives to inform your honorable body that they have read a third time and passed, a resolution, originating in your house, entitled 'A Resolution for the relief of M. D. Thomason.'

They have also read a third time and passed a bill originating in your house, entitled

'An act to exempt certain persons therein mentioned from serving in the militia of this state;—in which they desire your concurrence.

They have also appointed on their part a committee of conference, consisting of Messrs. Crenshaw, Adair, and Hallett, to confer with such committee as may be appointed on the part of the Senate, on the disagreement between the two houses, on the amendments made by the senate, to the bill, entitled 'an act to provide for the emancipation of slaves.'

A message from the Governor, by James J. Pleasants, esq. secretary of state:

Mr. President,—The Governor did on the 26th inst. approve and sign,

'An act to prevent free negroes and mulattoes from retail spirituous liquors,' 'An act to establish certain election precincts in the counties therein named;' and 'An act giving execution for costs in the supreme court, and on the 28th inst.

'An act to authorize Nicholas Pope to emancipate a certain slave therein named.'

'An act to prescribe the mode of certifying executions from justices of the peace from one county to another;'

'A Resolution for the relief of Anderson Crenshaw;'

'An act to authorize fathers to devise the custody and tuition of their infant children;'

'An act providing for the election of sheriff in certain cases, and for other purposes;' and

'Resolutions, extending time to John Byler and his associates to open and finish a road therein named.'

A bill from the House of Representatives, entitled 'An act to exempt certain persons therein mentioned, from serving in the militia of this state,' was read the first time; the rule which requires all bills to be read on three several days, was dispensed with, and said bill was read the second time, amended, and read the third time and passed. *Ordered*, that the House of Representatives be informed thereof.

Mr. Casey, from the special committee, to whom was referred the memorial to the Congress of the United States, to procure 'further relief to purchasers of public lands in this state,' reported the same with an amendment, which was concurred in.

The memorial was then read the third time and passed.

Ordered, That the House of Representatives be informed thereof.

An engrossed bill, to be entitled 'an act making appropriations for the payment of certain claims against the state;' was read the third time and passed.

Ordered, that the words 'engrossed bill, to be entitled,' be stricken out and that the same be sent to the House of Representatives for their concurrence.

Mr. Sullivan offered the following resolution: 'Resolved, that the Senate with the concurrence of the house of representatives, will adjourn *sine die* on this evening at 9 o'clock;' which was laid upon the table.

Ordered, that Messrs. Hopkins, Moore and Murphy be appointed committee on the part of the senate to confer with the committee appointed on the part of the House of Representatives, on the subject of the amendment made by the senate to the bill, entitled 'an act to provide for the emancipation of slaves;' and that the House of Representatives be informed thereof.

On motion of Mr. McCamy, the memorial to the Congress of the United States, praying a postponement of the sales of public lands, in the counties of Jackson and Decatur, was taken up. Said memorial was read the third time, and ordered to be committed to a special committee consisting of Messrs. Moore and Hopkins.

A bill from the house of representatives, entitled 'An act to authorize the administrator of John Turrentine, as the administratrix and administrator of William Lambkin, deceased, to sell certain tracts of land therein designated;' was read the first time, the rule which requires all bills to be read on three several days was dispensed with, and said bill was read the second and third time and passed.

Ordered, that the House of Representatives be informed thereof.

On motion of Mr. M'Vay, the bill from the house of representatives, entitled 'an act to amend an act, entitled an act to regulate the rate of interest, passed 17th Dec. 1819,' was taken up.

Mr. Casey moved, that the further consideration of said bill, be indefinitely postponed; which was decided in the affirmative, Yeas 13—Nays 5.

The yeas & nays being called for, those who voted in the affirmative, are,

Mr. President
Armstrong
Casey

Coats
Conner
Crabb

Melcalf
Moore
Murphy

Powell
Smith
Sullivan

Wood—13.

Those who voted in the negative, are,

Mr. Deyereux

Hopkins

M'Camy

M'Vay

Shackelford—5.

A bill from the house of representatives, entitled 'An act to provide for leasing the sixteenth sections, and for the application of the funds arising therefrom to the purposes of education,' was read the first time; the rule which requires all bills to be read on three several days was dispensed with, and said bill was read the second time, and referred to the committee on schools and colleges, and school and college lands to examine and report thereon.

A message from the House of Representatives by Mr. Dodson :

Mr. President, I am instructed by the House of Representatives to inform your honorable body that they concur in the amendments made by your honorable body to bills of the following titles, to wit:

'An act to appoint two commissioners for the superintendence of the public buildings in the counties of Franklin and Lawrence ;'

'An act for the relief of Sarah Strother, administratrix of the estate of George H. Strother, deceased ;'

'An act to set apart a separate fund for the support of the poor in each county ;' 'Resolutions authorizing commissioners to establish a road leading from the city of Mobile to the line of the state of Mississippi.'

They have also read a third time and passed bills originating in their body, entitled 'an act to make appropriations for the year 1823 ;'

'An act to empower the county court of Tuscaloosa to appoint a jury to view a public road, leading from the south end of Market-street in the town of Tuscaloosa;' 'An act authorizing Wm. Breedlove to sell certain real estate therein named, and for other purposes;' in all of which they desire your concurrence.

They have read three times and passed, bills originating in your house entitled 'An act to provide for drawing petit jurors to serve in the circuit court of the county of Dallas ;'

'An act making appropriations for the payment of certain claims against the state ;'

Mr. Casey moved to reconsider the vote of the senate on the passage of the bill, entitled 'an act divorcing certain persons therein named;' which was decided in the affirmative. Yeas 13—Nays 4.

The yeas and nays being called for, those who voted in the affirmative, are,

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|--------------|--------|----------|--------|-------------|
| Mr. resident | Coats | Devereux | Moorre | Sullivan—13 |
| Alstrong | Conner | Hopkins | Powell | |
| Cas. | Crabb | M'Camy | Smith | |

Those who voted in the negative, are,

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|----------|---------|--------|---------|
| Mr. M'V. | Metcalf | Murphy | Wood—4. |
|----------|---------|--------|---------|

A message from the house of representatives by Mr. Dodson,

Mr. President, the house of representatives, concur in the amendments made by your honorable body to a 'Memorial to the Congress of the United States, to procure further relief to the purchasers of public lands in this state;' and to a bill entitled 'an act to exempt certain persons therein mentioned, from serving in the militia of this state.'

They have also read a third time and passed joint resolutions requiring the tax collector of Madison county, to pay such sum of money into the Planters' and Merchants' Bank at Huntsville, as he may be required by the Comptroller; in which they desire your concurrence.

On motion the Senate adjourned till 3 o'clock, P. M.

3 o'clock P. M.

The Senate met pursuant to adjournment.

Mr. Murphy from the committee on schools and colleges and school and college lands, to whom was referred the bill, entitled 'an act to pro-

vide for leasing the 16th sections, and for the application of the funds arising therefrom to the purposes of education; reported the same without amendment. The bill was then read a third time and passed.

Ordered, that the house of representatives be informed thereof.

A bill from the house of representatives, entitled 'an act to regulate appeals in criminal cases; was taken up—said bill was read the third time; and on the question, shall this bill pass? it was decided in the negative. Yeas 5—Nays 11.

The yeas & nays being called for, those who voted in the affirmative, are,

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|---------------|---------|--------|-------|-------------|
| Mr. President | Hopkins | Murphy | Smith | Sullivan—5. |
|---------------|---------|--------|-------|-------------|

Those who voted in the negative, are,

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|---------------|----------|--------|---------|---------|
| Mr. Armstrong | Crabb | M'Camy | Metcalf | Powell |
| Coats | Devereux | M'Vay | Moore | Wood—11 |
| Conner | | | | |

A bill from the House of Representatives, entitled 'an act to make appropriations for certain claims against the state,' was read the first time. The rule which requires all bills to be read on three several days was dispensed with, and said bill was read the second time and referred to the committee on accounts.

Ordered, That the Senate disagree to the amendments made by the House of Representatives, to the bill entitled 'an act amendatory to the laws now in force concerning strays;' and that the House of Representatives be informed thereof.

Mr. Moore, from the special committee, to whom was referred the memorial to Congress, upon the subject of postponing the sales of the public lands in the counties of Jackson and Decatur, reported the same as amended: which was concurred in.

Mr. Armstrong moved to strike out that part of said memorial which prays Congress to grant to settlers in Jackson and Decatur counties the right of preemption to lands embracing their improvements; which was lost. Yeas 7—Nays 9.

The yeas & nays being called for, those who voted in the affirmative, are,

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|---------------|---------|-------|-------|------------|
| Mr. President | Crabb | M'Vay | Smith | Sullivan—7 |
| Armstrong | Hopkins | | | |

Those who voted in the negative, are,

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|---------|----------|---------|-------------|---------|
| Mr. Coe | Devereux | Metcalf | Powell | Wood—9. |
| Coats | M'Camy | Moore | Shackleford | |

Said memorial was then read a third time and passed. Ordered, that the House of Representatives be informed thereof.

A bill from the House of Representatives, entitled 'an act to carry into effect the laws of the United States prohibiting the slave trade,' was taken up, and read the second time. The rule which requires all bills to be read on three several days was dispensed with, and said bill was read the third time. The question was then put, shall this bill pass? and decided in the negative. Yeas 6—Nays 12.

The yeas & nays being called for, those who voted in the affirmative, are,

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|-----------|----------|--------|--------|-------|-------------|
| Mr. Casey | Devereux | Murphy | Powell | Smith | Sullivan—6. |
|-----------|----------|--------|--------|-------|-------------|

Those who voted in the negative, are,

| | | | | |
|---------------|---------|--------|---------|-------------|
| Mr. President | Conner | M'Camy | Metcalf | Shackleford |
| Armstrong | Crabb | M'Vay | Moore | Wood—12. |
| Coats | Hopkins | | | |

On motion of Mr. Sullivan, it was resolved, that the House of Representatives be requested to furnish the committee of accounts of this house, with all accounts in that house, contained in the appropriation bill sent to the Senate from that house.

A message from the House of Representatives, by Mr. Dodson:

Mr. President—The House of Representatives have read a third time, and passed: bill, originating in your honorable body, entitled 'an act concerning the printing, binding and disposal of the Digest of the statute laws of the state of Alabama;' which they have amended by striking out the words 'fifteen hundred', in the fifth section, and inserting in lieu thereof, the words 'nineteen hundred and ninety;' and also by striking out the word 'six' in the 5th section, and inserting in lieu thereof, the word 'five,' in which amendments they desire your concurrence.

They have also adopted the following resolution, in which they desire your concurrence: *Resolved*, by the House of Representatives, that a committee be appointed to act with such committee as may be appointed on the part of the Senate for the purpose of informing the Governor, that the two houses have gone through the business before them, and if he has no further communications to make, are now ready to adjourn sine die; and have appointed, on their part, Messrs. Williams, Sanders and Hallett.

They have read a third time and passed a bill, originating in your house, entitled 'an act to repeal in part and amend an act to regulate elections, &c. passed at Huntsville, 15th December 1819.'

They concur in the amendments made by your honorable body, to a memorial to the Congress of the United States concerning settlers on public lands, and for other purposes.

Ordered, That Mr. May be added to the committee on accounts; & that said committee have leave to sit during the session of the Senate.

On motion the Senate adjourned until 7 o'clock P. M.

7 o'clock P. M.

The Senate met pursuant to adjournment.

A bill from the House of Representatives, entitled 'an act to empower the county court of Tuscaloosa to appoint a jury to examine a public road, leading from the south end of Market street in the town of Tuscaloosa,' was read the first time. The rule which requires all bills to be read on three several days was dispensed with, and said bill was read the second and third time and passed. *Ordered*, that the House of Representatives be informed thereof.

Mr. Murphy, from the special committee, to whom was referred the Governor's message upon the subject of the accounts between this state and the state of Mississippi, submitted the following report:

"The special committee to whom was referred the message of his Excellency the Governor, transmitting the correspondence which has taken place with the Executive of the State of Mississippi, and the exhibits furnished in regard to an adjustment of the accounts remaining unsettled between the states, respectfully report:

That they have had the same under consideration, and find that the principles which shall govern the settlement of the said accounts has not been determined. Your committee recommend that so much of the correspondence as contains the different views which have been taken of the principles which shall govern the final arrangement of the accounts, be entered on the Journals, together with the exhibits which have been furnished from the offices of the Mississippi territory. This will afford all necessary information. Your committee deem it unnecessary to report any resolution to the house, as the Executive will proceed to the final adjustment of the accounts under the resolution of the General Assembly of the state on that subject; which was concurred in.

A message from the House of Representatives by Mr. Dodson, their clerk: Mr. President—I am instructed to inform your honorable body, that the House of Representatives disagree to the amendments made by your honorable body, to the bill entitled 'an act divorcing certain persons therein named.' *Ordered*, that the Senate insist on their amendments to said bill; and that the House of Representatives be informed thereof.

A bill from the House of Representatives, entitled 'an act regulating proceedings in chancery,' was read the second time. The rule which requires all bills to be read on three several days was dispensed with and said bill was read the third time and passed. *Ordered*, that the House of Representatives be informed thereof.

A bill from the House of Representatives, entitled 'an act for the relief of the tax collector of Mobile county,' was read the second time, and amended.

Mr. Metcalf offered an additional section to said bill, which was adopted. The rule which requires all bills to be read on three several days was dispensed with, and said bill was read the third time and passed. *Ordered*, that the words 'and Franklin' be added to the title of said bill, and that the same be sent to the House of Representatives for their concurrence.

A bill from the House of Representatives, entitled 'an act to extend the time of payment and secure a certain sum of money due to this state from John M. Taylor,' was read the first time. The rule which requires all bills to be read on three several days was dispensed with, and said bill was read the second and third time and passed.

Ordered, That the House of Representatives be informed thereof.

A bill from the House of Representatives, entitled 'an act to make appropriations for the year 1823,' was read the first time. The rule which requires all bills to be read on three several days was dispensed with, and said bill was read the second time.

On motion of Mr. Moore, ordered that the words 'forty dollars' be stricken out of the fourth section of said bill, where it makes an appropriation for printing and distributing the militia laws of this state.

On motion of Mr. Wood, ordered that 'four hundred dollars' be inserted in lieu thereof.

Mr. Murphy offered the following additional section to said bill: 'Be it enacted by the authority aforesaid, that the sum of twenty dollars be allowed to H. W. Taylor for his services as judge advocate in a court martial for the trial of a contested election of a Major General in the 4th Division of the militia of this state, to be paid out of any money in the Treasury not otherwise appropriated;' which was adopted.

Mr. Armstrong offered the following additional section to said bill, which was adopted: 'Be it further enacted, that it shall be lawful for the Governor to pay out of the contingent fund, such sum or sums of money as may be necessary to defray the expenses incurred in the purchase of fuel and candles necessary for the use of the different offices belonging to the Executive Department of this state;' which was adopted.

Mr. Shackelford offered the following additional section: 'And be it further enacted, that the sum of seventy-five dollars be allowed to the secretary of the senate for *ex-officio* services in arranging the papers of the senate, and preparing the Journal for the press;' which was adopted.

Mr. Shackelford offered the following additional section to said bill:

'And be it further enacted, that the sum of eighty-six dollars and twenty-five cents be, and the same is hereby appropriated to Matthew D. Thomason, Door-keeper for the Senate, for certain repairs done to the Senate Chamber, including the President's chair, locks for the tables, candlesticks, &c.' which was adopted.

Mr. Crabb moved to strike out the words 'nineteen hundred and ninety dollars,' in the seventh section of said bill; the amount appropriated to Harry Toubnin for digesting the laws; which was decided in the affirmative. Yeas 9—Nays 5.

The yeas & nays being called for, those who voted in the affirmative are,
 Mr. President Conner Devereux Metcalf Wood—9.
 Coats Crabb Hopkins Moore

Those who voted in the negative, are,

Mr. Armstrong Casey Murphy Shackleford Smith—5.

Mr. Metcalf offered the following additional section, as an amendment to said bill: '*Be it further enacted*, that the sum of one hundred and seventy-nine dollars be, and the same is hereby appropriated to Robert Coyle pursuant to an act passed the present session, approved on the 24th of December 1822;' which was adopted.

Mr. Metcalf offered the following additional section to said bill: '*And be it further enacted*, that the sum of two hundred and fifty dollars be, and the same is hereby appropriated to the Comptroller of public accounts, in pursuance of a resolution of the General Assembly, passed and approved on the 17th Dec. 1821;' which was adopted.

Ordered, that said bill lie upon the table.

Mr. Shackleford moved, that the senate concur in the amendments made by the house of representatives, to the bill, entitled 'An act concerning the printing, binding and disposal of the Digest of the statute laws of this state;' by striking out the words 'fifteen hundred dollars,' and inserting in lieu thereof, the words 'nineteen hundred and ninety;' which was lost.

Yeas 7

Nays 10.

The yeas & nays being called for, those who voted in the affirmative, are,

Mr. Armstrong Devereux Shackleford Smith Sullivan
 Casey Murphy

Those who voted in the negative, are,

Mr. President Crabb Hopkins M'Vay Moore
 Coats Conner M'Camy Metcalf Powell

Ordered, that the senate concur in the second amendment made by the house of representatives to said bill.

A Resolution from the house of representatives requiring the tax collector of Madison county to pay into the Planters' and Merchants' Bank of Huntsville, a certain sum as he may be required by the Comptroller, was read the first time: the rule which requires all joint resolutions to be read on three several days was dispensed with, and said resolution was read a second and third time and passed.

Ordered that the house of representatives be informed thereof.

A bill from the house of representatives, entitled 'an act authorizing William Breedlove to sell certain real estate therein named, and for other purposes;'

'An act authorizing the legal representative of Robert H. Draughton to dispose of certain real estate;' and

'An act for the relief of Ed. Freeman, late tax collector of Baldwin co.;' were severally read the first time: the rule which requires all bills to be read on three several days was dispensed with, and said bills were read a second and third time and passed.

Ordered, that the house of representatives be informed thereof.

A bill from the house of representatives, entitled 'An act authorizing the emancipation of a negro man named Martin;' was read a first time and laid on the table.

A bill from the house of representatives, entitled 'An act concerning the Council of the town of Belle Fonte;' was read the first time: the rule which requires all bills to be read on three several days was dispensed with, and said bill was read the second and third time and passed.

Ordered, that the house of representatives be informed thereof.

A bill from the house of representatives, entitled 'An act more effectually to secure the public revenue,' was read a first time, and laid on the table. A bill from the house of representatives, entitled 'An act to repeal all laws requiring hands to work on navigable streams in this state;' was read the first time: the rule which requires all bills to be read on three several days, was dispensed with, and said bill was read the 2d time.

Mr. Armstrong moved to strike out all of said bill after the enacting clause, and substitute in lieu thereof, another section, which was decided in the affirmative: the rule which requires all bills to be read on three several days was dispensed with, and said bill was read a third time, as amended and passed. Ordered, that the same be sent to the house of representatives for their concurrence.

Mr. Moore, from the committee on enrolled bills, reported as correctly enrolled, 'Resolutions concerning the loan from the Tombeckbe Bank;'

'An act to provide for the payment of the compensation allowed by law to the commissioners appointed to lease the lands belonging to the University of Alabama;'

'Resolution for the relief of John A. Elmore.'

'An act to divide the state into districts for electing representatives to Congress;'

'An act the better to designate the line between the counties of Jackson and Decatur, and for other purposes;'

'An act for the regulation of assessors and tax collectors so far as relates to the payment of money;'

'Resolution requesting the Governor to procure a correct map of this State;'

'An act to authorize the Judge of the county court of Mobile to take possession of the Spanish records.'

'An act for the relief of certain tax collectors therein named;'

'An act to amend the act passed 17th Dec. 1821, entitled an act to appoint commissioners to lay out certain roads therein specified and for other purposes.'

'An act to refund James Mixon a sum of money improperly assessed and collected;'

'An act to amend an act appointing commissioners to lay out a road on, or near the dividing line between the counties of Madison & Limestone, passed at Cahawba 30th Nov. 1820;'

'Resolution to repeal a resolution allowing to the Comptroller two hundred and fifty dollars in addition to his present salary, passed at the last session, of the General Assembly;'

'An act to incorporate the town of Jonesborough in the county of Jefferson;'

'An act concerning the Huntsville Masonic Lottery;'

'Memorial to the Congress of the United States, on the subject of the fortifications at Mobile Point and Dauphin Island;'

'An act changing the name of Big-spring in Franklin county;'

'An act relative to the securities of clerks, sheriffs and other officers;'

'An act to authorize a change of venue in chancery causes;'

'An act appointing an agent to receive the three per cent. fund.'

'An act appointing commissioners to lay out two roads from the ford of Line creek; the one to Coffeeville, the other to Tuskalooza;'

'An act to authorize the administrator of John Lucas, and the administrators of John Waugh, deceased, to sell real estate;'

'An act to authorize the Judge

of the county court of Mobile to appoint a public weigher in the city of Mobile ;' 'An act authorizing George Cox, administrator of Benja. Cox, deceased, to sell and transfer certain real estate ;' 'An act in relation to the estate of James White, deceased ;' 'An act authorizing the administrator and administratrix of Davis H. Mahew, deceased, to sell real estate ;' 'Resolutions instructing our senators, and requesting our representative in Congress to procure the passage of a law imposing a tonnage duty on all vessels coming into the port of Mobile and Blakeley ;'

'An act for the relief of purchasers of lots in Cahawba ;' 'An act to revise, consolidate & amend the several acts relative to the militia of this state ;'

'An act to legalize the election of certain officers in Decatur county ;'

'An act to repeal an act incorporating the town of Jackson in Clarke co. ;'

'An act to provide for the election of justices of the peace & constables ;'

'An act to authorize the Treasurer of this state to receive a sum of money therein mentioned ;' 'An act relative to turnpike roads ;'

• Memorial to Congress in relation to the public lands ;'

'An act to amend an act to authorize the Catholic congregation of christians in the city of Mobile to sell real estate therein mentioned, and for other purposes ;' 'An act to authorize the Judge of the county court of Mobile county, to purchase a lot of ground for the purpose of erecting thereon, the public buildings of said county ;' 'An act for the relief of Sarah Strother, administratrix of George H. Strother, deceased ;'

'An act to exempt certain persons therein named, from militia duty ;'

'An act for the preservation of the several court houses within this state ;'

'An act to authorize a levy of a county tax in St. Clair county ;'

'An act to appoint commissioners for the superintendence of the public buildings in the counties of Franklin and Lawrence ;'

Resolution authorizing commissioners to establish a road leading from the city of Mobile to the line of the state of Mississippi ;'

'An act making appropriations for the payment of certain claims against the state ;' 'Resolutions defining more particularly the boundary lines of certain counties therein mentioned, and for other purposes ;'

'An act to provide for drawing petit jurors to serve in the circuit courts of the county of Dallas ;' 'Resolutions for the relief of M. D. Thomason ;'

'An act to repeal in part an act passed the 15th Dec. 1821, concerning Col. Samuel Dale ;' and 'An act to repeal in part and amend an act to regulate elections, &c. passed at Huntsville 16th Dec. 1819 ;' which were signed by Mr. President.

A bill from the house of representatives, entitled 'An act to fix the salary of the Treasurer of the Trustees of the University of the state of Alabama,' was read the 2d time : the rule which requires all bills to be read on three several days being dispensed with, said bill was read the 3d time. The question was put, shall this bill pass ? and decided in the negative.

Yeas 7—Nays 11.

The yeas & nays being called for, those who voted in the affirmative, are,

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| Mr. President | Hopkins | Moore | Shackleford—7 |
| Armstrong | M'Camy, | Murphy | |

Those who voted in the negative, are,

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|-----------|----------|---------|----------|
| Mr. Casey | Crabb | Metcalf | Sullivan |
| Coats | Devereux | Powell | Wood—11. |
| Conner | M'Vay | Smith | |

Mr. Coats moved to reconsider the vote of the Senate on the passage of the bill, entitled 'an act to carry into effect the laws of the United States, prohibiting the slave trade ;' which was decided in the affirmative.

Yeas 10

Nays 8

The yeas and nays being called for, those who voted in the affirmative, are,

Mr. Casey
Coats

Conner
Devereux

Metcalf
Murphy

Rowell
Smith

Sullivan
Wood—10

Those who voted in the negative, are,

Mr. President
Armstrong

Crabb
Hopkins

M'Camy
M'Vay

Moore
Shackleford—8.

The question was then put, shall this bill pass? and decided in the affirmative.

Yeas 8—Nays 10.

The yeas and nays being called for, those who voted in the affirmative, are,

Mr. Casey
Coats

Conner
Devereux

Metcalf
Murphy

Powell
Smith

Sullivan
Wood—10.

Those who voted in the negative, are,

Mr. President
Armstrong

Crabb
Hopkins

M'Camy
M'Vay

Moore
Shackleford—8.

A message was received from the Governor by Mr. Pleasants, Secretary of State:—Mr. President, the Governor did, on this day approve and sign, 'An act, concerning the Huntsville Masonic Lottery;' 'An act the better to designate the line between the counties of Jackson and Decatur, and for other purposes;'

'An act authorizing George Cox, administrator of Benjamin Cox, deceased, to sell and transfer certain real estate;'

'An act in relation to the estate of James White deceased;'

'An act to authorize the Judge of the county court of Mobile county, to appoint a public weigher in the city of Mobile;' 'An act to incorporate the town of Jonesborough in the county of Jefferson;' 'An act to refund James Mixon a sum of money improperly assessed & collected;'

'An act to appoint commissioners to lay out two roads, leading from the ford of line creek; the one to Coffeeville, the other to Tuskaloosa;'

'An act to authorize the administrators of John Lucas, and the administrators of John Waugh, deceased, to sell real estate.'

'An act to authorize the Judge of the county court of Mobile, to take possession of the Spanish records;'

'An act for the relief of certain tax collectors therein named;' 'An act to amend an act, entitled an act appointing commissioners to lay out a road on, or near the dividing line between the counties of Madison and Limestone;' passed 30th Nov. 1820;' 'An act to authorize the adm'r & adm'x of Davis H. Mayhew, deceased, to sell real estate;'

'Resolution requesting the Governor to procure a correct map of this state;' 'Resolution for the relief of John A. Elmore;' 'An act relative to the securities of clerks, sheriffs, and other officers;'

'An act to provide for the payment of the compensation allowed by law to the commissioners appointed to lease the lands belonging to the University of the State of Alabama;' 'An act to authorize a change of venue in chancery causes in certain cases;' 'An act appointing an agent to receive the three per cent. fund;'

'Resolutions instructing our Senators and requesting our Representatives in Congress to procure the passage of a law imposing a tonnage duty on all vessels coming into the Ports of Mobile, and Blakeley;' 'Resolutions concerning the loan from the Tombeckbe Bank;' 'Memorial to the Congress of the United States, on the subject of the fortifications at Mobile Point and Dauphin Island;' 'An act changing the name of Big Spring in Franklin county;' 'Resolution to repeal a resolution allowing to the comptroller two hundred & fifty dollars in addition to his present salary;' and 'An act to divide the state into districts for the purpose of electing representatives to Congress;' Resolutions from the House of Representatives relative to the dividing line between this state and the state of Georgia, were read the third time and passed.

Yeas 9 Nays 8.

The yeas & nays being called for, those who voted in the affirmative, are

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|-----------|----------|---------|--------|-------------|
| Mr. Casey | Conner | M'Camy | Murphy | Sullivan—9. |
| Coats | Devereux | Metcalf | Smith | |

Those who voted in the negative are,

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|---------------|---------|-------|---------|
| Mr. President | Crabb | McVay | Powell |
| Armstrong | Hopkins | Moore | Wood—8. |

On motion, the Senate adjourned till to-morrow morning 9 o'clock.
Wednesday, Jan. 1, 1823.

The Senate met pursuant to adjournment.

Mr. Armstrong from the Military Committee, to whom was referred the communication of His Excellency the Governor, made in pursuance of a call of the Senate, upon the subject of the contested election of Major General of the fourth division of the militia of this state, submitted a report and also the following resolution: *Resolved by the Senate of the State of Alabama*, that the proceedings of His Excellency the present Governor, in disapproving the decision of a General Court Martial, detailed by his predecessor, declaring said court illegal and detailing a new court for the trial a second time of a contested elected between Jack F. Ross and Joseph B. Chambers, for the office of Major General of the 4th division of the militia of this state, are not warranted by law: that the said decision of the said second court is inoperative and void, and that the said Joseph B. Chambers has not legally the right to hold said office, that said election having been declared illegal by the first court convened to investigate the same.

Mr. Casey moved, that said resolution be laid upon the table, till the first day of the next session of the General Assembly; which was decided in the affirmative—Yeas 10—Nays 8.

The yeas & nays being called for, those who voted in the affirmative, are,

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|-----------|----------|---------|--------|--------------|
| Mr. Casey | Crabb | McVay | Murphy | Smith |
| Coats | Devereux | Metcalf | Powell | Sullivan—10. |

Those who voted in the negative, are,

| | | | |
|---------------|---------|--------|-------------|
| Mr. President | Conner | M'Camy | Shackleford |
| Armstrong | Hopkins | Moore | Wood—8. |

A Message from the House of Representatives by Mr. Dodson.

Mr. President,—The House of Representatives concur in the amendments made by your honorable body to a bill, entitled

An act for the relief of the tax collector of Mobile county; and have amended said amendments by adding thereto an additional section; in which they desire your concurrence.

They concur in the amendments to a bill, entitled 'an act to repeal all laws requiring hands to work on navigable streams in this state.' They recede from their disagreement to the amendments made by your honorable body to a bill, entitled 'an act divorcing certain persons therein named.'

They have appointed a committee, consisting of Messrs. Pope, Crenshaw, and Jackson, to confer with such committee as may be appointed on the part of the senate, on the disagreement of the two houses on the bill, entitled 'an act concerning the printing, binding, and disposal of the digest of the statute laws of the state of Alabama.'

Ordered, that Messrs. Moore, M'Camy and Metcalf be appointed a committee of conference on the part of the senate, on the subject of disagreement between the two houses in relation to said bill; and that the house of representatives be informed thereof.

Mr. Powell, from the committee of accounts, to whom was referred the bill, entitled 'an act to make appropriations for certain claims against the state,' reported the same with sundry amendments; which was concurred in, in part, and disagreed to in part.

Mr. Moore offered the following amendment to said bill: '*And be it further enacted, that from and after the passage of this act, the fees allowed to coroners for holding inquests, shall be paid out of the county treasury;*' which was adopted.

Mr. M'Vay offered the following amendment to said bill: '*Be it further enacted, that C. B. Roundtree, sheriff of Lauderdale county, be allowed the sum of eighty-one dollars sixty-five cents for keeping and removing James C. A. Wellborne from Lauderdale to Franklin county, to be paid out of monies in the Treasury not otherwise appropriated;*' and on the question being put on the adoption of said amendment, it was decided in the negative.

Yeas 7

Nays 2.

The yeas & nays being called for, those who voted in the affirmative, are,

| | | | |
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| Mr. President | Crabb | M'Vay | Wood—7. |
| Conner | Hopkins | Shackleford | |

Those who voted in the negative are,

| | | | |
|---------------|----------|--------|----------|
| Mr. Armstrong | Devereux | Moore | Sullivan |
| Casey | Metcalf | Powell | Smith—2. |

Said bill was then read a third time, as amended, and passed. *Ordered*, that the house of Representatives be informed thereof.

Mr. Hopkins moved to amend the amendment made by the house of representatives, to the bill entitled 'an act for the relief of the tax collector of the county of Mobile,' by adding thereto a proviso: which was decided in the affirmative. *Ordered*, that the senate concur in the amendments made by the House of Representatives, to their amendment to said bill, and that the House of Representatives be informed thereof.

Mr. Shackleford obtained leave to introduce a resolution authorizing M. D. Thomason, to take charge of the state house and furniture belonging to the same, which was read the first time: The rule which requires all joint resolutions to be read on three several days was dispensed with, and said resolution was read the second and third time and passed.

Ordered, that the title be as aforesaid and that the same be sent to the House of Representatives for their concurrence.

Ordered, that the senate concur in the resolution from the house of representatives, proposing to adjourn *sine die* on to day; and that Messrs. Casey, Wood and Smith, be appointed a committee on the part of the Senate, to join the committee appointed on the part of the house of representatives, to wait on His Excellency, the Governor, and inform him, that if he has no further communications to make, the two houses are ready to adjourn *sine die*.

Ordered, That the secretary inform the House of Representatives thereof. On motion the senate adjourned 'till 3 o'clock P. M.

3 o'clock, P. M.

The Senate met pursuant to adjournment.

Mr. Moore, from the committee of conference on the bill, entitled 'An act concerning the printing, binding and disposal of the Digest of the statute laws of the state of Alabama,' made the following report:

"The committee on the part of the Senate to confer with the committee appointed on the part of the House of Representatives, in the disagreement of the two houses on the act concerning the printing, binding and disposal of the Digest of the statute laws of the state of Alabama, have met said committee in conference, and they have agreed to make the report as follows: to insert 'fifteen hundred dollars,' which was stricken out by the House of Representatives, for the purpose of inserting 'nineteen hundred and ninety dollars;' and have agreed to add the following proviso at the end of the first section of said bill: 'Provided, that

nothing in this act shall be so construed as to prevent the next Legislature from making any additional compensation that they may deem just and proper." Ordered, that the Senate concur in said report, and that the House of Representatives be informed thereof.

The Senate resumed the consideration of the bill, entitled 'an act to make appropriations for the year 1823.' Mr. Moore moved to fill the blank in said bill, where it makes an appropriation to Harry Toulmin for digesting the laws, with the words 'fifteen hundred dollars,' which was decided in the affirmative. Mr. Murphy offered the following additional section, as an amendment to said bill: 'And be it further enacted, that the sum of forty five dollars be allowed to George V. Dick for extra services this session, and that the same be paid out of any moneys in the Treasury, not otherwise appropriated.' Mr. Casey offered the following additional section to said bill: 'And be it further enacted, that the sum of twenty five dollars be appropriated for paying John H. Thornton for taking charge of, and keeping the State House for the last year,' which was adopted. Mr. Casey also offered the following section to said bill: 'And be it further enacted, that the sum of twelve dollars and fifty cents be allowed to M. D. Thomason for extra services as door keeper of this house,' which was adopted. Mr. Moore moved to strike out the word 'Press' in the second section of said bill, and insert in lieu thereof, the words 'office of the secretary of state,' which was decided in the affirmative. Yeas 13—Nays 2.

The yeas and nays being called for, those who voted in the affirmative are,

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| Mr. President | Conner | Hodkins | Murphy | Wood—13. |
| Armstrong | Crabb | McCamy | Shackelford | |
| Coats | Devereux | Moore | Sullivan | |

Those who voted in the negative, are,

Mr. Casey, M'Vay—2. The bill was then read a third time and passed.

Ordered, That the secretary notify the House of Representatives thereof, and desire their concurrence in the amendments made therefor.

A message from the House of Representatives, by Mr. Dodson:

Mr. President—The House of Representatives have concurred in the amendments made by the Senate, to a bill entitled 'an act to make appropriation for certain claims against the state.'

They have concurred in the amendment made by your honorable body, to the amendment of this house, to your amendment to the bill entitled 'an act for the relief of the tax collector of the county of Mobile.'

They have also read a third time and passed, a Resolution, originating in your honorable body, entitled 'Resolution to authorize M. D. Thomason to take charge of the State House and furniture belonging to the same,' which they have amended by adding the following proviso: 'Provided, it shall be the duty of the door keepers of the two houses to deposite the whole of the furniture in the Senate Chamber, and deliver the key to the secretary of state,' and also by striking out the words 'M. D. Thomason, door-keeper, of the Senate,' and inserting in lieu thereof, the words 'such person as may be appointed by the secretary of state.' They have amended the title by striking out all of the title, and inserting in lieu thereof, these words—'a resolution to provide for the safe keeping of the State House and public furniture,' in which amendments they desire your concurrence.

They recede from the amendments to the bill, entitled 'an act to provide for the printing, binding, and disposal of the Digest of the statute laws of the state of Alabama.' They concur in the report of the committee of conference on the disagreement between the two houses on said bill.

Mr. Wood obtained leave to spread his reasons upon the Journal for voting in favor of the bill, entitled 'an act to carry into effect the laws of the United States prohibiting the slave trade,' which are as follows: "The undersigned

member of the Senate, having finally voted in favor of the bill, entitled 'an act to carry into effect the laws of the United States prohibiting the slave trade.' He deems it proper to exercise his constitutional right, of assigning on the Journal, his reasons for so doing.

Altho' on first view of the case it appeared doubtful whether, pending the controversy in the Federal Court, it was in the power of the state to claim the possession of negroes illegally imported; yet on reflection, and a full view of the policy which has been observed by the general government on the subject, that species of property has been treated rather as persons, than property; and although the state might not demand such possession as matter of right, yet it has been in other states, as may be in this, that a proper provision being made by the state, the court would prefer to deliver them, for humane treatment, as well as for economy in expense of keeping.

In case of condemnation the state is entitled to a large interest in such property; and it appears from experience, that in the ordinary way the property in the hands of the marshal, pending the controversy has actually consumed the value before the final adjudication. A valuable interest of this description, amounting to near one hundred prime negroes, are now in the hands of the marshal employed in unhealthy situations, where their lives will be jeopardized. This interest in case of a favorable decision, must, if prudently conducted, realize to the state nearly the amount of a years revenue and is therefore, worthy of being preserved, and attended to. JOHN WOOD.

Ordered, That the Senate concur in the amendments made by the House of Representatives to the resolution authorizing M. D. Thomason to take charge of the State House and furniture, and that the House of Representatives be informed thereof. A message from the House of Representatives, by Mr. Dodson: Mr. President—The House of Representatives disagree to the amendments made by your honorable body to a bill, entitled 'an act to make appropriations for the year 1823' by striking out the word 'forty' in the fourth section, and inserting in lieu thereof, the words 'four hundred.' They concur in the remainder of the amendments to said bill. They have also read three times and passed, resolutions concerning the manuscript Digest of the statutes of this state; in which your concurrence is desired.

Ordered, That the Senate recede from the amendment to the bill, entitled 'an act to make appropriations for the year 1823,' by striking out the word 'forty,' and inserting 'four hundred,' and that the House of Representatives be informed thereof.

Resolution, from the House of Representatives, concerning the manuscript Digest of the statute of this state, was read the first time. The rule which requires all joint resolutions to be read on three several days was dispensed with, and said resolution was read the second and third time and passed. *Ordered* that the House of Representatives be informed thereof.

Mr. Moore, from the committee on enrolled bills, reported as correctly enrolled, 'An act to empower the county court of Tuscaloosa to appoint a jury to view a public road leading from the south end of Market street in the town of Tuscaloosa;' 'An act to authorize Wm. Freedlove to sell certain real estate therein named, and for other purposes;' 'An act for the relief of Edmund Freeman, late tax collector of Baldwin county;' 'An act to set apart a separate fund for the support of the poor in each county;' 'An act concerning the council of the town of Belle Font;' 'Resolutions requiring the tax collector of Madison county to pay into the Planters' and Merchants' Bank of Huntsville a certain sum, when directed by the Comptroller to do so;' 'An act to authorize the administrator of John Turrentine, and the administratrix and administrator of Wm. Lambkin, deceased, to sell certain tracts of land therein designated;' 'Memorial to the Congress of the United States to procure further relief to the purchasers of public lands in this state;' 'Resolutions relative to the dividing line between this state and the state of Georgia;' 'An act to extend the time of payment and secure a certain sum of money due this state from John M. Taylor;' 'An act to provide for leasing the 16th sections, and for the application of the funds arising therefrom to the purposes of education;' 'An act to carry into effect the laws of the United States, prohibiting the slave trade;' 'An act authorizing the legal representatives of Robert H. Bragdon, deceased, to dispose of certain real estate therein named;' 'Resolutions defining more particularly the boundary lines of certain counties therein mentioned, and for other

purposes; 'An act divorcing certain persons therein named;' 'An act respecting the navigation of Limestone river in Limestone county;' 'An act to regulate proceedings in chancery suits;' 'An act for the relief of the tax collectors of the counties of Mobile and Franklin;' 'Resolutions concerning the manuscript Digest of the statutes of this state;' 'A resolution provide for the safe keeping of the State House and public furniture;' 'An act to make appropriations for certain claims against the state;' 'An act to make appropriations for the year 1823;' and, 'An act concerning the printing, binding, and disposal of the Digest of the statute laws of the state of Alabama;' which were signed by Mr. President.

A message from the House of Representatives, by Mr. Crenshaw, a member thereof:

Mr. President—The House of Representatives have adopted the following resolution: 'Resolved that the Senate be requested to assemble in the Representative Hall, instantly for the purpose of electing two persons to act with such persons as may be appointed by the United States, to run the dividing line between this state and the state of Georgia, agreeable to Resolutions of this General Assembly. Ordered, that said Resolution be laid upon the table until the next session of the General Assembly.'

A message from the Governor by James J. Pleasants, esq. secretary of state: Mr. President, the Governor did on this day, approve and sign, 'An act to provide for drawing part Jurors to serve in the Circuit Court of the county of Dallas;' 'An act to repeal in part an act passed 15th Dec. 1821, concerning Col Samuel Dale;' 'An act making appropriation for certain claims against the state;' 'Resolutions for the relief of Matthew D. Thomason.'

'Resolutions defining more particularly the boundary lines of certain counties therein mentioned;' 'An act to repeal in part and amend an act, entitled an act to regulate elections, &c. passed at Huntsville, Dec. 16th, 1819;' 'Resolutions to provide for the safe keeping of the State House and public furniture;' and 'An act concerning the printing, binding and disposal of the Digest of the statute laws of the state of Alabama;' all of which originated in the Senate.

A message from the House of Representatives by Messrs. Davis and Clay: Mr. President, the House of Representatives have adopted the following Resolution: 'Resolved, that a message be sent to the Senate, informing them, that this house has completed the business before them, and are now ready to adjourn *sine die*.'

Mr. Hopkins, from the committee of conference appointed on the subject of disagreement between the two houses in relation to the bill, entitled 'an act to provide for the emancipation of slaves,' made the following report: 'The committee of conference appointed on the part of this house to act with the one from the House of Representatives on the disagreement of the House of Representatives to the amendment made by this house, to the bill, entitled 'an act to provide for the emancipation of slaves,' have instructed me to report, that from the press of business in each house since the appointment of said committee a meeting between the two houses could not be procured. A. F. HOPKINS, Chairman.'

Mr. Casey from the committee appointed to wait on the Governor and inform him that both houses have gone through the business before them and are now ready to adjourn *sine die*, reported that the committee had performed the duties assigned them; and received for answer, from His Excellency, that he had no further communication to make to the legislature. Ordered, that a message be sent to the house of representatives informing them that the senate have completed their business and are now ready to adjourn *sine die*. A message was sent accordingly.

Mr. Shackelford, having taken the chair, on motion of Mr. M^cVay it was resolved unanimously, that the thanks of this Senate be presented to the Hon. Nicholas Davis, President thereof, for the faithful and impartial discharge of the duties of the chair, and the ability and promptitude, which he has on all occasions manifested in the discharge of the important functions of his office. The president having resumed the chair addressed the senate in the following manner.

Gentlemen—I beg you will accept my grateful acknowledgement for the distinguished testimony of your approbation of my conduct, as the presiding officer of this house, contained in the resolution you have just adopted. Ever mindful of the responsibility of the station your generosity has assigned me, it has been my constant endeavor to discharge the arduous duties of the chair, with impartiality, such however has been the dignified deportment of this house during the present session, that it is with peculiar satisfaction, I feel myself justified in declaring, that the interposition of a presiding officer has not been required—If, however, in the course of our deliberations, any momentary irritation has been felt—let such unpleasant incidents be consigned to oblivion, & let us recollect, only, the anxious desire which has uniformly animated every one to promote what appeared to him, to be for the prosperity of the state.

In returning to your homes, gentlemen, you will carry to the bosoms of your families and friends, my most sincere wishes for your prosperity and happiness; and that you may long continue to merit and enjoy the confidence of an enlightened and discerning public, is my constant desire.

Mr. M^cVay moved, that this house do now adjourn *sine die*; which was decided in the affirmative. The President then declared, that this house stands adjourned *sine die*.

NICHOLAS DAVIS, President of the Senate.

Attest—FRANCIS S. LYON, Secretary of the Senate.